

RECUEIL

D'ORDRES EN CONSEIL

D'UN INTÉRÊT GÉNÉRAL,

ENREGISTRÉS SUR LES RECORDS DE L'ILE DE
GUERNESEY DEPUIS L'ANNÉE 1800.

RÉDIGÉ SOUS L'AUTORITÉ DE LA COUR ROYALE

PAR

E. C. OZANNE, PROCUREUR DU ROI.

VOL.



I.

GUERNESEY :

IMPRIMÉ ET PUBLIÉ AUX FRAIS DES ÉTATS,

PAR LA

COMPAGNIE D'IMPRIMERIE DE BICHARD, LIMITÉE,
IMPRIMEURS OFFICIELS AUX ÉTATS,

BUREAU DE LA "GAZETTE OFFICIELLE," RUE DU BORDAGE.

1903.

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ORDRES EN CONSEIL.

Le 11 Juin 1803, devant Robert-Porret Le Marchant, écuyer, Baillif, présents, &c.

1803.

William Le Marchant, écuyer, ci-devant Baillif de cette île, et Jean Carey, écuyer, Juré de la Cour Royale, et en leurs dites qualités aiant été nommés Députés des États de cette île, conjointement avec Robert-Porret Le Marchant, écuyer, lors aussi Juré de la Cour Royale, par Acte desdits États du 13 Juin 1799, pour pétitionner Sa Majesté en Conseil d'autoriser lesdits États de bâtir une Prison en la Ville de St. Pierre-Port à la place de celles du Château Cornet, aux conditions contenues audit Acte, aiant ce jourd'hui présenté à la Cour un Ordre de Sa Majesté en Conseil, en date du 18 Mai 1803, à l'effet ci-dessus, a été ordonné, après lecture d'icelui, qu'il sera enregistré, duquel la teneur suit mot après mot :—

AT THE COURT OF ST. JAMES'S

the 18th of May 1803

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

WHEREAS there was this day read at the Board a Nouvelle Prison Publique.
Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 14th of this instant, in the words following, viz. :—

“Your Majesty having been pleased by Your Order in Council of the 27th of November 1799, to refer unto this Committee the Humble Petition of William Le Marchant, Esquire, Bailiff of Your Majesty's Island of Guernsey, John Carey and Robert Porret Le Marchant, Esquires, Jurats of the Royal Court of the said

1803.

island, Deputies of the States of your Majesty's said island ; stating :—That on the 13th of June last the said States were convened and assembled by the Bailiff, for the purpose of laying before them, at his and the Request of the Jurats of the Royal Court, the great inconveniences which are daily found to the administration of Justice in general, particularly to the administration of Criminal Justice, so essential to the safety of the lives and properties of Your Majesty's loyal subjects and of the Community at large, by the Prisons being at Castle Cornet which is separated from the Island by the sea ; and their proposal to remedy the same by erecting a Prison in the Town of St. Peter's-Port, and raising the necessary expense by a General Tax on the inhabitants of every parish as hereinafter set forth :—That those inconveniences were found from the said cause so long ago as the year 1607, when the inhabitants of the said Town of St. Peter's-Port took the opportunity of Royal Commissioners, sent thither by King James the 1st., to petition them to appoint a Prison in the Town in lieu of that at Castle Cornet ; but the Commissioners gave for answer, viz. :—' Forasmuch as the Prison has been by time immemorial kept at the Castle, We are of opinion, that without some special and particular Warrant from His Majesty or from the Lords of Council, we may not by law cause any New Prison to be erected, &c. : '—That those inconveniences had increased by the increase of population, particularly of the said Town of St. Peter's-Port ; and several expedients were tried to remedy the same at different times, as appeared by sundry Acts of the States,—namely, one of the 6th October 1718, one of the 17th November 1764, and one of the 29th of March 1786,—all which failed from objections brought to erecting such Prison from the Crown Revenue, and for want of having, at those periods, any eligible

means of raising the Money among the inhabitants to defray the expense thereof:—That under Your Majesty's auspicious Reign, the Town of St. Peter's-Port had not only nearly doubled its inhabitants, but the island in general had so increased in its population, trade, wealth and prosperity, as had engaged the States to approve and adopt such the Bailiff and Jurats' proposal, conscious of the necessity of removing such inconveniences and of the equity of the tax for defraying the expense:—That those inconveniences were ;—First, That by the Castle being separated from the island by the sea, and a large boat being maintained from Your Majesty's Revenue in that island for carrying the troops to and from the Castle, the Prisoners committed by the Royal Court, or by the Chief Magistrate's Warrant, being conveyed thither and brought thence in like manner, they could seldom be had or transmitted opportunely as required ; and at times, by bad weather and a boisterous sea, it was impossible to bring them to Court on the days appointed for trial :—That thence the trial had necessarily been put off, to the interruption of Justice and the grievance of such prisoners :—Secondly, That for want of another place to lodge the prisoners in the island, after they are brought from the Castle, the Military Guard House at one of their piers having from time immemorial been appointed for that use, such interference had often given occasion to disagreeable differences between the Court officers and the officers of the Guard, both there and at the Castle:—That the Lieutenant-Governors residing there had constantly concurred with the Magistrates in their wish to remedy the same :—Nevertheless, that such practice appeared to have been so long admitted, that the expense for providing any other place in the island for this use must otherwise have been paid for from

1803.

1803.

Your Majesty's Revenue in this island, as are the salaries of the Porter of the Castle (or Jailor), and of the Executioner ; and also the subsisting of prisoners committed for crimes, grounded on this as is humbly believed, that the Fines, Amerciaments and Confiscations of the Chattels and Estates of convicts are adjudged to your Majesty and are aggregated to such Revenue :—And therefore, praying that Your Majesty would be graciously pleased to permit them to erect a prison in the Town of St. Peter's-Port, at such place as shall by them be found fit and convenient for securing the persons of Criminals, Debtors, and Others ; such prison to be under the same Rules and Regulations as are and have ever been the prisons at Castle Cornet ; viz. :—That the Porter of the Castle (or Jailor), and the Executioner shall be named and appointed by any the Governors of this island for the time being, and their salaries paid out of Your Majesty's Revenue in this island ;—Secondly, That the maintenance of prisoners committed for crimes, who are unable to provide themselves, shall also be paid out of the said Revenue ;—Thirdly, That the said prison after it is built, and its accessories shall ever after be kept up and repaired out of the said Revenue, the whole as has been from ancient times done and practised for the prisons at Castle Cornet :— And for payment of the site and the expense of erecting such prison and its accessories thereon, that Your Majesty will also be graciously pleased to authorise the said States to raise and levy a General Tax on and from the inhabitants of the several parishes of the island, according to what each inhabitant is and may be assessed and rated at, in his and their respective parish ; nevertheless, that such Tax shall not exceed the rate of Six Pence Sterling per Quarter of Wheat Rent ; and upon condition that this instance shall not be drawn or brought as a

precedent to derogate from the ancient rates and proportions fixed and established between the several parishes of this island, for such Taxes as are voted by the said States for public exigencies. And a Petition of the Constables and Douzeniers of the Town and Parish of St. Peter's-Port in the said island having been presented to this Committee, praying to be heard by Counsel to state their objections to the said Petition of the Deputies of the States and to shew cause why the prayer thereof ought not to be complied with, in so far as regards the proposed mode of defraying the expenses of erecting the said prison : THE LORDS OF THE COMMITTEE did on the 31st of May 1800 take both the said Petitions into consideration, and heard the Petitioners by their Counsel, and thereupon thought proper to call for an account of the amount of the income which had been raised by any assessment in the Island of Guernsey, and what had been the re-partition among the nine Country Parishes of their proportion of such assessment, and to what purpose specifically the Revenue so raised by assessment had, from time to time, been applied ; and also for an account of the annual amount of the pier duty and of the purpose to which the same had been applied ; which accounts having been accordingly laid before this Committee, Their Lordships have this day renewed the consideration of the whole matter ; and it having been represented by the Right Honourable Lord Grey, Governor of the said island, that the opposition to the Petition of the Deputies of the States no longer exists ; and the Solicitor for the Constables and Douzeniers having signified in writing his concurrence and consent that the Petition of the said Deputies should be granted, provided that the raising the money for building the said prison in the manner proposed on this occasion shall not hereafter be drawn into a precedent whereon

1803.

1803. _____ to ground any other on any future occasion, or to derogate in any way from the ancient fixed Rates for Taxes established between the Parishes of the said island.

“THEIR LORDSHIPS do agree humbly to report as their opinion to Your Majesty, that it may be advisable for your Majesty to grant to the Petitioners the liberty of erecting a New Prison in the Town of St. Peter’s-Port, at such place as shall be found fit and convenient for securing the persons of Criminals, Debtors and Others, such prison to be under the Rules and Regulations as are, and have ever been, the Prisons at Castle Cornet ; and to authorise the States of the Island of Guernsey to raise and levy a General Tax on and from the inhabitants of the several parishes of the said island, according to what each inhabitant is and may be assessed and rated at in his and their respective parish ; such Tax, nevertheless, not to exceed the rate of Six Pence Sterling per Quarter of Wheat Rent ; upon condition however, that the raising the money for the building the said Prison in the manner proposed on this occasion be not hereafter drawn into a precedent whereon to ground any other on any future occasion, or to derogate in any way from the ancient fixed Rates for Taxes established between the Parishes of the said island.”

HIS MAJESTY, having taken the said Report into His Royal consideration, is pleased with the advice of His Privy Council to approve thereof, and accordingly, to grant to the Petitioners the liberty of erecting a New Prison in the Town of St. Peter’s-Port in the said Island of Guernsey, at such place as shall be found fit and convenient for securing the persons

of Criminals, Debtors and Others ; such Prison to be under the same Rules and Regulations as are and have ever been the Prisons of Castle Cornet. And His Majesty is pleased to authorise the States of the said Island of Guernsey to raise and levy a General Tax on and from the inhabitants of the several parishes of the said island, according to what each inhabitant is and may be assessed and rated at in his and their respective parishes ; such Tax, nevertheless, not to exceed the rate of Six Pence Sterling per Quarter of Wheat Rent. But His Majesty doth hereby declare that the raising the money for the building the said Prison, in the manner proposed on this occasion, shall not hereafter be drawn into a precedent, or be considered as derogating in any manner from the ancient fixed Rates for Taxes established between the parishes of the said Island of Guernsey. Whereof the Governor, Lieutenant-Governor, Bailiff and Jurats of His Majesty's said Island of Guernsey, and all officers and other persons whom it may concern are to take notice and pay due obedience to His Majesty's pleasure hereby signified.

1810.

W. FAWKENER.

(*Enregistré sur les Records le 21 Août 1810*).

AT THE COURT AT THE QUEEN'S PALACE
the 15th of August 1810

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey in the words following, viz. :—

Grandes
Routes.

“ Your Majesty having been pleased by Your Order in Council of the 7th of June last, to refer unto this

1810.

Committee the Humble Petition of the Bailiff and Jurats of the Royal Court of the Island of Guernsey, setting forth :—That the States of the said island convened for the purpose of deliberating on the proposal of Sir John Doyle, Bart., Lieutenant-Governor and Commander-in-Chief of the said island—‘ That two roads of a proper breadth should be made across the island’—did on the 24th of May last name a Committee of fifteen persons to examine and report thereon, which Committee, having been unanimously of opinion that the measure proposed was essential to the defence of Your Majesty’s said island and the welfare of its inhabitants, framed a report thereon dated the 6th June :—That a meeting of the States was held in consequence on the 15th of the said month, and passed the resolutions contained in an Act of the States annexed to the said Petition, by which the said States accede to the proposal of making the two roads required for the defence of the island, and agree to contribute thereto by raising a General Tax of Nine Pence per Quarter in Two Payments, between which a year shall intervene ; and further agree that the maintenance and repairs of the two projected roads shall be provided for at the expense of the States, on their receiving from the owners of lands bordering roads an equivalent that shall be judged equal to the cost of maintaining and repairing the old roads, to which the said owners were before subject :—For the accomplishment of which objects the States were of opinion humbly to apply for Your Majesty’s Order in Council, in which it should be inserted that the consent of the Town and Parish to the levying of the said General Tax of Nine Pence per Quarter of Wheat Rent had been previously and was further confirmed by the representatives of the said parish, who acceded to the proposal of raising the said Tax at the said meeting of the States ; and

the bad state of all the roads in the said island being a matter of general notoriety and complaint, attributable to the defective system that has hitherto prevailed of every man's repairing the road bordering on his land, which though absolutely inefficient is a constant source of vexation and expense to the parties ; the necessity of changing that system had become matter of general conviction ; and the States were thereupon desirous that Your Majesty's gracious Order in Council should authorise the said Royal Court to pass an Ordinance fixing an equitable compensation to be paid to the States by all owners of lands bordering on the roads of the said island, in case the States should hereafter resolve to maintain and repair at their own expense all such roads in future ; and therefore most humbly pray an Order of Your Majesty in Council to the following effect :—

“1° To authorise the States of the said island to make and widen two roads from Town to the Bays of Rocquaine and Vazon, in the execution of which the owners of lands bordering on the said roads, and all owners of quarries should be obliged to cede and give up the land and stones necessary for their completion, at the price and conditions that might be appraised by impartial and competent persons to be named by the Royal Court.

“2° To raise on the inhabitants of all the parishes in the said island, as also on all owners of real or immoveable property therein, a General Tax in two payments so that one year shall intervene between the payment of each moiety ; which Tax shall not in the whole exceed Nine Pence Sterling per Quarter of Wheat Rent, according to the number of such Quarters that each inhabitant and owner of real or immoveable property is and may be assessed and rated at in their respective parishes ; the Town and Parish of St. Peter's-Port having thereunto consented,

1810.

under the express condition that this instance shall not be drawn into or brought as a precedent to derogate or depart in future from the ancient rates and proportions fixed and established between the several parishes of the said island, for the payment of such Taxes as are voted by the said States for public exigencies.

“ 3° To authorise the Royal Court to fix the annual compensation, that after due appraisement shall by the said Court be judged fair and equitable to be paid by the owners of lands bordering on the two projected roads to the States of the said island for the future maintenance and repairs of the said roads, and in lieu of the cost of maintaining and repairing the old roads to which said owners were before subject ; which annual compensation it should at all times be at the option of the said owners to redeem at a valuation founded on the legal interest of money.

“ 4° In case the States of the said island should hereafter be of opinion to maintain and repair at their expense all or any of the other roads of the said island, to authorise the Royal Court, in the same manner as in the present instance, to commute the obligation under which the owners of lands bordering on the said roads are at present to maintain and repair the same, and to fix the annual sum that should, after due appraisement, be judged by the said Court fair and equitable to be paid by the said owners to the States, in order to be for ever after free from the said obligation ; leaving it at all times at the option of the said owners to redeem their annual payment at a valuation founded on the legal interest of money :—
THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order in Council, did on the 30th day of June last take the said Petition into consideration, and also the Act of the States containing certain Resolutions annexed thereto ; and their Lordships

observing that by the 5th Clause of the said Act it is provided among other things, that the roads in question should not be proceeded in till assurance should have been obtained that Your Majesty's Government would pay the deficiency which might appear after application of the amount of the General Tax to be raised on all the inhabitants of the said island, as also on all owners of real or immoveable property therein, of Nine Pence Sterling per Quarter of Wheat Rent, The Lords of the Committee thought proper to transmit copies of the said Petition and Act of the States to the Lords Commissioners of Your Majesty's Treasury, to the end that their Lordships might signify to this Committee whether they had any objection to the measure proposed, and to give the assurance required that the said deficiency should be paid by Your Majesty's Government; and the said Lords Commissioners having accordingly signified, that in consideration of the States having granted £5,000 towards the completion of the military roads of communication in the said island, Sir John Doyle, the Lieutenant-Governor, will be authorised to draw on their Lordships to such an extent as may be required for completing the said roads not exceeding £5,000.

“THE LORDS OF THE COMMITTEE do agree humbly to report to Your Majesty, that they think it may be advisable for Your Majesty to signify your approbation of the Regulations proposed in the said Petition of the Bailiff and Jurats of the Royal Court of the Island of Guernsey, founded on the resolutions agreed to by the States of the said island on the 15th of June last, and to authorise the Royal Court of the said island to pass such Ordinance or Ordinances as may be necessary for carrying the proposed measures into effect.”

1813.

HIS MAJESTY, having this day taken the said Report into consideration, was pleased by and with the advice of His Privy Council to approve of the regulations proposed in the said Petition of the Bailiff and Jurats of the Royal Court of the Island of Guernsey, &c.

CHETWYND.

(Enregistré sur les Records le 25 Septembre 1813.)

AT THE COURT AT CARLTON HOUSE
the 14th of August 1813

PRESENT

HIS ROYAL HIGHNESS THE PRINCE REGENT IN COUNCIL.

Salaires du
Ballif, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 11th of this instant, in the words following, viz. :—

“Your Royal Highness having been pleased by Your Order in Council of the 10th of February last, in the name and on the behalf of His Majesty, to refer unto this Committee the Humble Petition of Peter De Havilland, Bailiff of His Majesty’s Island of Guernsey and President of the Royal Court of that island (which Petition was transmitted by the Earl of Pembroke, Governor of the said island, and has likewise been recommended by Sir John Doyle, Bart., the Lieutenant-Governor), setting forth :—

* * * * *

“THE LORDS OF THE COMMITTEE, in obedience to Your Royal Highness’s said Order of Reference, have taken the said Memorial into consideration, and also a letter from the Petitioner to Viscount Sidmouth, one of His

Majesty's Principal Secretaries of State, on 1813.
 the subject of the said Petition : And their Lordships being of opinion that the prayer of the Petitioner for an increase of salary is reasonable, and that the salaries of other His Majesty's Officers in the said island, viz. :— The Procuror, Comptroller and Greffier ought also to be increased ; and that all the said officers should be placed on the same footing, with respect to salary, with the Officers holding corresponding situations in the Island of Jersey whose salaries were increased to their present amount by His Majesty's Order in Council of the 20th of April 1797 ; Their Lordships do thereupon agree humbly to report as their opinion to Your Royal Highness, that in lieu of the salaries which the Bailiff of His Majesty's Island of Guernsey and the other Officers above-mentioned now receive, they should be allowed the following salaries, viz. :—

The Bailiff of the Island of Guernsey

Three Hundred Pounds per annum.

His Majesty's Procuror

One Hundred Pounds per annum.

His Majesty's Comptroller

Fifty Pounds per annum.

The Greffier of the Royal Court

Forty Pounds per annum,

and that such increased salaries should be paid out of His Majesty's Revenue in the said island and should take place from the 1st day of January 1814, and be paid to the said Officers respectively, during the time of the present Governor and of any future Governor, or until any further Order shall be made therein."

1814.

HIS ROYAL HIGHNESS THE PRINCE REGENT having taken the said Report into consideration was pleased, in the name and on the behalf of His Majesty and by and with the advice of His Majesty's Privy Council, to approve of what is therein proposed, &c.

CHETWYND.

(Enregistré sur les Records le 15 Août 1814.)

AT THE COURT AT CARLTON HOUSE
the 23rd of July 1814

PRESENT

HIS ROYAL HIGHNESS THE PRINCE REGENT, &c.

Impôt.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 23rd of last month, in the words following, viz. :—

“Your Royal Highness having been pleased by Your Order in Council of the 2nd November last, in the name and on the behalf of his Majesty, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey setting forth :—That the western shores of the said island bear evident marks of the inroads of the sea, and leave no doubt of its having overflowed at different times large tracts of land, the sands, which on the ebb of every spring-tide are left dry to a considerable extent, covering over the wreck of forests which existed time out of mind and still supplying the inhabitants with a great deal of fuel :—That a considerable portion of the most productive parts of the island is situated below the level of the sea at high water, exposed to the Westerly gales and the almost irresistible force of the surge, which those prevailing winds impel against

it without any shelter from the Atlantic Ocean ; from which danger it is in some parts protected by Dikes or Walls, erected for that purpose as well as for lines against an invading army, and in other parts by natural banks of earth or gravel :—That the mode of repairing and providing against the damage of the sea was at all times ordered by the Royal Court, which distributed the labour amongst the adjacent parishes :—That this labour used anciently to be executed by *Corvées*, that is by all the inhabitants of each parish obliged to contribute giving alike a portion of their time ; but latterly by means of money levied upon the inhabitants of those parishes according to their means :—That in 1811 a part of the wall or defence against the sea at Vazon Bay was beaten down, considerable damage was likewise sustained by the natural bank at Cobo, and in several other parts of the coast, all of which was ordered by the Court to be repaired in the usual manner, and a large sum was expended in consequence particularly in Vazon Bay :—That in 1812 and 1813 the whole of the new and the greater parts of the old works erected at Vazon Bay were levelled with the ground, and very serious damage was done in other places, but more particularly to the natural bank at Cobo, upon which an order for the repairs was given by the Court in the usual manner ; but when the extent of the damage came to be ascertained, on the representation of the parishes concerned, the members of the Court deputed to superintend the repairs, convinced of the inability of those parishes to effect the work as it ought to be done, suspended its execution until the Court should have further considered the case :—That in the meantime every intelligent person, who visited the coast where the danger lay, being struck with its extent and the urgent necessity of providing against it before the next equinoctial tides and gales,

1814.

1814.

reports thereof were made not only to the Court but to His Excellency Sir John Doyle, and after a conference on the subject His Excellency was not only pleased to accompany the Court and Constables on the spot, but to procure the attendance and advice of the Engineers and other able persons in His Majesty's service :—That in the course of a minute investigation it was found, that to save the lands between Vazon Bay and the village of the King's Mills, nearly the whole line of defence in that bay should be rebuilt much more substantially than before:—That in the bay of Cobo the natural bank, which two years before was thirty feet wide and served for a cart road, was so much intrenched upon that the whole of the road was carried away and the bank reduced in some places to the breadth of three or four feet of earth or gravel forming the only barrier against the sea, which on forcing it would, it was asserted, overflow all the low land from the Western to the Eastern side of the island :—That to place these parts of the island in a permanent state of security, Ten Thousand Pounds at least being deemed necessary, the Court, convinced of the inability of the parishes concerned to raise that sum, did on the 3rd July 1813 repeal and annul the Ordinance it had before passed on that subject, and considering this as an extraordinary case that could no longer be viewed in the ordinary light of repairs, but in which the whole island had an immediate and general interest, the Court desired the Bailiff to convene the States and consult them on the propriety of taking on themselves the expenses and execution of the work ; and further suggested the propriety of an Humble Application to Your Royal Highness for leave to raise a Duty that should not exceed One Shilling per Gallon on all Spirituous Liquors retailed and consumed in the said island :—That the Court was induced to suggest such a measure

knowing the present Revenue of the States to be totally inadequate to the additional burthen of this expense, since a debt of about Twelve Thousand Pounds had been created chiefly within the last ten years, the interest of which was now to be paid in addition to the current expenses, which had of course already exceeded the Revenue of the last ten years by nearly the amount of the said debt :— That independently therefore of the new works required, an increase to the Revenue of the States appeared very requisite, not only because it had for so many years proved insufficient, but because fresh calls were daily made on the States for the £250 per mile which they had held out an intention to contribute towards the making of any new road that would be undertaken under the improved plan by the several parishes of the island ; and because from the insufficiency of their Revenue the States were prevented from executing many works of general improvement and public utility :—That the Court was further induced to recommend this measure from a consideration of the other modes of raising the money proposed :—That a general and equal tax on every man's property without distinction of Town or Country would have been equitable and agreeable to the wish of several of the Country Parishes ; but the consent of the Town parish having been deemed on all recent occasions necessary to be obtained previously to the granting of any Order in Council authorising such a tax, and that consent being withheld, the Court would not take upon itself to recommend without it a departure from the general rule :—That by a general and equal tax as alluded to, the Town would contribute two-thirds of the whole sum required to be raised ; whereas by a tax raised according to the rates laid down in times when the distribution of property among the several

1814.

1814.

parishes rendered them just and still subsisting, the Town would contribute one-third only :—That a tax according to the old rates would therefore have been acquiesced in by the Town parish only, and would have fallen too heavily and partially on the Country parishes compared to the Town, and on some of the Country parishes compared to others, for the Court to entertain an idea of recommending it :—That according to those Rates, where a person in Town would pay One Shilling in the Pound a person in the Câtel would pay Three Shillings and Sixpence, and in Torteval Ten Shillings and Sevenpence ; so that if the Ten Thousand Pounds wanted had been raised according to the said rates, and as the Town parish would wish, the inhabitants of the said Town of Fifty Quarters or One Hundred Pounds a year would have contributed One Pound Seventeen Shillings—the inhabitants of the Câtel Six Pounds Nine Shillings—and the inhabitants of Torteval Nineteen Pounds Thirteen Shillings :—That the States having been convened agreeably to the desire and suggestion of the Royal Court, did by their Deliberation of the 16th July 1813 decide and agree, 1st, To take upon themselves the execution and expense of the works required for the security of the island ; 2ndly, To make an humble application to Your Royal Highness in Council for an Order, authorising the said States to raise a Duty that shall not exceed One Shilling per Gallon on all Spirituous Liquors retailed and consumed in the island, the produce of which duty to be appropriated to the Liquidation of the expense voted and to the increase of the Revenue of the said States :—That in this application the States have been encouraged by the example of Jersey where a duty on spirituous liquors has long been established, where it was increased, to the extent now humbly prayed for, by His Majesty's Order in Council of the

20th of September 1809 (notwithstanding the counter petition of some of the inhabitants) and where the whole of the inhabitants appear to be now perfectly reconciled and agreed to the said duty which is daily productive of the most beneficial consequences to the general improvement and defence of the island ; and therefore the States of the said Island of Guernsey most humbly pray, that Your Royal Highness will be graciously pleased by an Order in Council to permit and authorise the said States to raise a Duty that shall not exceed One Shilling per Gallon on all Spirituous Liquors retailed and consumed in the island that shall be ten degrees in the hundred below hydrometer proof or under, and in like proportion on such as shall be over and above the said standard of Ninety Degrees, whether such Spirituous Liquors have been or shall be in future imported into or distilled or manufactured in the said island : the produce of the said Duty to be applied to the payment and liquidation of the expense of the works voted for the security of the island, and appropriated to the increase of the Revenue of the said States, as also to authorise the Royal Court to pass such Ordinances for the raising of the said Duty as to the said Court shall seem meet. And Your Royal Highness having also been pleased, in the name and on the behalf of His Majesty, to refer unto this Committee the Humble Petition of the Constables and Douzeniers of the Town and parish of St. Peter's-Port in the said Island of Guernsey, whose names are thereunto subscribed, praying, for the reasons therein contained, that the Royal assent may be withheld from the measure so proposed by the States of the said island, and that they may be heard by Counsel in support of the prayer of their said petition; THE LORDS OF THE COMMITTEE did on the 15th of March last take the said Petition and several other letters and

1814.

1814.

papers on the subject thereof into consideration, and having heard Counsel on behalf of the said Constables and Douzeniers, Their Lordships directed that certain accounts and estimates should be prepared and transmitted to their Lordships respecting the expense incurred and to be incurred in completing the repairs to the defraying of which the proposed tax is to be applied, the produce of the said tax, the annual Revenue and expenses of the said island, and the amount of the Public Debt on the 1st of January 1814, with the interest payable thereupon ; and such accounts and estimates having been prepared and transmitted accordingly :

“THE LORDS OF THE COMMITTEE this day resumed the consideration of the whole matter, and do agree humbly to report as their opinion to Your Royal Highness that it may be advisable to permit and authorise the States of the said Island of Guernsey to raise the proposed duty, to be applied to the payment and liquidation of the expense of the works voted for the security of the island, and appropriated to the increase of the Revenue of the said States ; but that in any Act or Acts to be passed for levying the said duty, a clause should be inserted therein limiting the same to five years from the time the tax shall take effect ; and that the said States should be directed to return annually to the Privy Council an account of the produce and application of the said Tax.”

HIS ROYAL HIGHNESS THE PRINCE REGENT having taken the said Report into consideration was pleased in the name and on the behalf of His Majesty and by and with the advice of His Majesty's Privy Council to approve thereof, &c.

CHETWYND.

(Enregistré sur les Records le 10 Juillet 1819.)

1819.

AT THE COURT AT CARLTON HOUSE
the 19th of June 1819

PRESENT

HIS ROYAL HIGHNESS THE PRINCE REGENT, &c.

(Report of the Right Honourable the Lords of the Impot.
Committee of Council for the Affairs of Guernsey and
Jersey, dated the 25th of May 1819):—

HIS ROYAL HIGHNESS THE PRINCE REGENT, having taken the said Report into consideration, was pleased, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, to approve thereof, and doth hereby authorise the renewal of the duty of One Shilling per Gallon on all Spirituous Liquors consumed in the Island of Guernsey, for the space of Ten Years from the first of September next; and His Royal Highness doth hereby direct that One Thousand Pounds per annum of the produce of the said duty be applied solely to the liquidation of the present Debt, together with such surplus as shall remain out of the produce of the Tax in any year, after defraying the expenses of Roads and Embankments and Unforeseen Contingencies; and that the States of the said Island do not exceed, in any case, the amount of their annual income without the consent previously obtained of His Royal Highness in Council. And the said States are hereby directed to return annually to the Privy Council an account of the produce and application of the said Tax. And His Royal Highness, in the name and on the behalf aforesaid, doth hereby further direct that this Order be entered upon the Register of the said island and observed accordingly.

And the Governor, Lieutenant-Governor or Commander-in-Chief, Bailiff and Jurats, and all others His Majesty's Officers in the said island for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JAS. BULLER.

(Enregistré sur les Records le 7 Août 1819.)

AT THE COURT AT CARLTON HOUSE
the 20th of July 1819

PRESENT

HIS ROYAL HIGHNESS THE PRINCE REGENT, &c.

WHEREAS there was this day read at the Board a ^{Deux} Report from the Right Honourable the Lords of the ^{Ordonnances} ~~Annulées.~~

1819.

Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th of this instant, in the words following, viz. :—

“Your Royal Highness having been pleased by Your Order in Council of the 6th day of January 1812, in the name and on the behalf of His Majesty, to refer unto this Committee the Humble Petition and Complaint of the Constables and Douzeniers of the Town and Parish of Saint Peter’s-Port authorised by and representing the parishioners of the said Town and Parish, setting forth :— That the inhabitants of the said Town and Parish, jointly with the rest of the people of the said island have, from time immemorial, enjoyed the privilege of not being taxed, obliged to pay any contribution, or to advance any Monies for any public work, without having previously given their consent thereunto :— That the Royal Court, in direct violation of such usage and custom, on the first of November 1810 passed an Ordinance, by which of its own authority, it ordered great and extraordinary alterations to be made in a street called La Rue des Cornets, anglicé ‘Cornet Street,’ in the said Town, which were then estimated at nearly £1,500, but which in consequence of excavations made below the foundations of many of the houses, the consequent fall of two of them, and the repairs of all, would probably cost a great deal more :— That by the said Ordinance of the 1st of November 1810, the Royal Court ordered the Constables to advance the sums necessary for a great part of this extraordinary work, which sums, so advanced, were to be repaid to the parish, wholly or in part by lotteries :— That on the 3rd day of March then next ensuing, a parish meeting was held for the purpose of taking the contents of the aforesaid Ordinance of the 1st of November 1810 into consideration, when the parishioners, deeming the said

Ordinance contrary to their privileges, expressly enjoined their High Constables not to advance any proportion of the parochial funds for any work whatever, unless the parish had previously consented thereunto; and at the same time authorised their High Constables and Douzeniers to represent them, and to use all legal means in support of their rights, whether in this island or before His Majesty's Most Honourable Privy Council, in the event of coercive measures being resorted to by the Royal Court:— That the Royal Court, finding the above direct and general objections of the parish of Saint Peter's-Port to the execution of the above Ordinance, and probably being well aware that it could not by any legal means enforce an Ordinance equally obnoxious and unprecedented, has left it dormant inasmuch as relates to the advance of monies required to be made by the High Constables; yet it nevertheless stands on record, may be enforced whenever the Royal Court may think proper, and in the course of time, if allowed to subsist, will undoubtedly be brought forward against the parish in order to establish a precedent for the infringement of this, the nearest and dearest privilege of the inhabitants of this island:— That the said Royal Court not satisfied with the above extraordinary infringement have, in two other minor instances, manifestly in the hope of having their pretended right argued on grounds more favourable to themselves and less obnoxious to the public, passed two Ordinances or Acts founded on the same erroneous principle:— That the first of these instances is contained in an Act of Court of the 10th of August 1811, by which of its own authority, it ordered the High Constables to advance the monies necessary to pave a street called the Truchot:— That the Royal Court in this business has been so inconsistent with itself, that the last above-men-

1819.

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tioned Act was granted by only four Jurats in direct opposition to an Ordinance passed by the said Royal Court in a body on the 14th of August 1810, inasmuch as the said Ordinance decreed that a lottery should take place, the profits or proceeds of which should in part be applied to defray the necessary expenses for the said street, and which lottery has been subsequently drawn :—That the second instance alluded to is contained in an Ordinance of the 12th of September 1811, by which the Royal Court, of its own authority, enjoins the High Constables to advance the sums necessary for work to be done in a street called Poidevin Street :—That on the 23rd September 1811, another parish meeting was convened to decide on the measures necessary to be taken in consequence of the Ordinance of the 12th September 1811, when the parishioners confirmed their deliberation of the 3rd March 1811, and again peremptorily ordered their High Constables not to advance any of the parochial funds for the work ordered to be done to Poidevin Street; as although the work so ordered was a mere trifle, yet they, the parishioners conceived that the Ordinance of the 12th September was passed for the express purpose of consecrating the principle in dispute, and afterwards applying it to objects of the utmost magnitude :—That the Ordinances complained of are the more illegal as from time immemorial the roads of this island have been repaired '*causa vicini*.'—That in furtherance of their views the Royal Court having signified to the Constables to cause the work to be made in the said Poidevin Street, and likewise ordered them to advance the funds necessary, the said Constables having naturally refused to comply in consequence of the above decisions of the parish, they were ordered to appear before the said Royal Court to answer for such refusal; when they, having

persisted in their objections, alleging in justification the injunctions of the parish and consequent impossibility of so doing, the Royal Court waving every argument presented to them, ordered for this pretended disobedience the said Constables to be imprisoned in the common gaol, which imprisonment to the great detriment of themselves and their families they have undergone :—That the Petitioners humbly conceiving the proceedings of the Royal Court to be arbitrary, unjust, and in direct violation of their most sacred rights and privileges, most humbly pray that Your Royal Highness in Council will be pleased to take their Petition and Complaint into consideration, and to order and direct that the three Ordinances above alluded to be cancelled, as being directly contrary to their sacred rights and privileges ; or grant them such other relief as in Your Royal Highness's wisdom shall seem meet : — THE LORDS OF THE COMMITTEE, in obedience to Your Royal Highness's said Order of Reference, did on the 21st of February 1812 take the said Petition and Complaint into consideration, and thought proper to direct that a copy thereof should be transmitted to the Royal Court of the said Island of Guernsey for their answer in writing ; and such answer having been received and laid before Their Lordships, and also a reply of the Petitioners and Complainants thereto, together with a rejoinder on the part of the said Royal Court ; and the Petitioners having made application to be heard by Counsel in support of their complaint, their Lordships did, on the 19th day of June 1817, hear Counsel for the Petitioners accordingly, and also on behalf of the said Royal Court, in the course of which hearing the Counsel for the Petitioners abandoned the complaint in so far as it regarded the Order of the 10th of August 1811 ; and having this day resumed the consideration of the whole matter,

1819.

“THEIR LORDSHIPS do agree humbly to report as their opinion to Your Royal Highness, that as the two Orders which now constitute the subject of the complaint relate, not merely to the repairing or keeping in good order the streets therein mentioned as they actually existed, but to the making of alterations and improvements in those streets for the better accommodation of the public ; and as those Orders were not made on any application of the Constables or inhabitants of the parish in which the streets are situated, the Royal Court could not impose on those Constables or inhabitants the burthen of advancing money for the purpose of making such alterations and improvements, and that therefore the two Orders in question ought to be rescinded.— At the same time their Lordships think it due to the Royal Court to state, that they appear to have acted merely under a misapprehension of their powers, and from a wish to accelerate the execution of works of public utility, and not from any design of violating the privileges of the inhabitants or usurping an authority which did not belong to them ; and that several of the precedents adduced approach so nearly to the case in question, that no blame whatever is imputable to the Royal Court for having in this instance so misapprehended the extent of their powers.”

HIS ROYAL HIGHNESS THE PRINCE REGENT having taken the said Report into consideration was pleased, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, to approve thereof and to order, as it is hereby ordered, that the said two Orders of the Royal Court of Guernsey be rescinded

and annulled. Whereof the Bailiff and Jurats of the said Island of Guernsey, for the time being, and all other persons whom it may concern are to take notice, and govern themselves accordingly.

1820.

CHETWYND.

Le 10 Mars 1821, devant Eléazar Le Marchant, écuyer, Lieutenant-Baillif ; présents, &c.

Monsieur le Lieutenant-Baillif ayant remis à la Cour de la part du Comité des Etats de cette Ile, nommé le 27 Février 1819 pour présenter la Pétition desdits Etats à Sa Majesté en Conseil au sujet de Jean Guille, écuyer, copie d'un Ordre dudit Conseil que s'est procuré ledit Comité, et que leur a remis — Litchfield, écuyer, du Bureau ou Office dudit Conseil, et dont l'original reste dans les mains du Major-Général Bayly, Lieutenant-Gouverneur de cette Ile ; LA COUR après lecture duquel, ouïe la conclusion des Officiers du Roi, a ordonné qu'il sera enregistré, duquel la teneur suit, mot après mot :—

AT THE COURT AT CARLTON HOUSE

the 22nd February 1820

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th of this instant, in the words following, viz. :—

Sur la pétition des Etats par rapport à Jean Guille, éc., Colonel de Milice.

“Your Majesty having been pleased by Your Order in Council of the 28th of May last to refer unto this Committee the humble petition of the States of the Island of Guernsey, setting forth :— That being assembled on the 25th November 1818, for the purpose of taking into consideration a proposal made by His Excellency Major-General Bayly, the Lieutenant-Governor, to construct a causeway or slip from the South Pier to an adjoining part of the beach called the “Gallet Heaume,” several members, and among them John Guille, Esquire, a Jurat of

1820.

the Royal Court and Treasurer of the States, objected to the proposed measure on account of the dilapidated state of their finances :—That the said Mr. Guille, in laying before them an account of the public debt together with the different items of expenditure and the several branches of their Revenue, stated an expense of £200 Sterling per annum incurred by the Militia, and expressed his surprise that this sum should be requisite in time of peace : — That although the Lieutenant-Governor was then present, he silently heard the whole of the debates, nor could the President have considered Mr. Guille's observations irrelevant to the matter under discussion, as he not only did not express any disapprobation of them, but suffered him to proceed without any kind of interruption :—That on the 30th November, five days after this meeting, His Excellency thought fit to issue a General Militia Order, by which, in 'marking his public disapprobation of the principles held forth by Colonel Guille at the Royal Court' where the States are held, 'he dispenses with his services as Colonel of the 1st or North Light Infantry Regiment of Militia : ' — That this Order having excited general alarm, several members of the States thought it their duty on the 24th December 1818, to request the Bailiff to issue his writ for convening the States, that they might take the matter into consideration and determine whether it might not be expedient to request a conference with His Excellency on this subject : — That on the 8th January 1819, the Bailiff returned an answer to the letter alluded to, and informed the members whose names were thereunto subscribed that, having in consequence of their request written to the Lieutenant-Governor for his consent to assemble the States on the 11th January following, or any other day more convenient, the Lieutenant-Governor had in answer refused his

consent to their meeting :—That the power which the Lieutenant-Governor now claimed of permitting the States to be convened only when he considered the matters to be submitted to them susceptible of discussion, was so illegal, so unprecedented, and so subversive of the Constitution of this island, that humble representations were about to be made to His Majesty in Council, when the Lieutenant-Governor by his letter to the Bailiff of the 20th of January consented to their meeting :—That doubts having arisen as to the mode of proceeding by a conference, the same members withdrew their application, and requested the Bailiff to convene the States to deliberate on the following propositions ;—First, Whether the Order is contrary to our rights and privileges, inasmuch as the Lieutenant-Governor therein publicly reproves and dismisses a member of the States from his command as Colonel of Militia for a speech delivered in that Assembly ; and whether the exercise of such power on his part tends to prevent the members of the States from freely expressing their sentiments, and in consequence to infringe upon the liberty of their discussions. Secondly, If the States are of this opinion, would it not be proper to resolve on immediately making an Humble Representation to His Majesty in Council against the exercise of the power which His Excellency the Lieutenant-Governor has arrogated to himself by his Order, and humbly to pray His Majesty to shield us against such a stretch of authority for the future, and to confirm to us the same full and entire liberty to express our sentiments and freely to discuss the objects which may form the subjects of our deliberation, as our ancestors have heretofore enjoyed. Thirdly, If the States are of this opinion, to name a Committee which will be authorised to execute the said decision and to

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make such representations to His Majesty in Council as they may deem necessary :—And that the States having been called on the 27th of February they decided in the affirmative by a considerable majority : That loyal as their most distant ancestors have ever been, and ever anxious to shew their attachment to their Sovereign by paying due respect to His Lieutenant-Governor, it is with the most unfeigned concern that the States now find themselves constrained to supplicate His Majesty's protection in defence of their rights and privileges :—That the Lieutenant-Governor has acted unconstitutionally cannot they conceive be contested ; Mr. Guille on the 25th November spoke as a Jurat and member of the States, and, had he in the heat of discussion made use of expressions highly subversive of good order and military discipline and hurtful to the welfare of the Militia, The Bailiff as President had alone the power to call him to order, and the Royal Court was the only tribunal that could try and punish him for such an offence :—That His Excellency having offered an explanation by letter dated 3rd February transmitted to every member of the States, it was found unsatisfactory, as that part of the Order of the 30th November which censured and punished Mr. Guille for his speech in the States remained unrepealed and was not disavowed :—For these and many other reasons which the Petitioners might and are ready to adduce, they humbly pray that the said Order may be declared to be unconstitutional and subversive of their privileges, inasmuch as His Excellency therein censured and dismissed from the command of his Regiment in the Militia a member of the States, for expressions used by him in the discharge of his public duty as a member of that body ; and that the same full and entire liberty of speech which their ancestors have

ever enjoyed may be secured to the States of the Island of Guernsey. And Your Majesty having also been pleased, by Your Order in Council of the same date, to refer unto this Committee the Humble Petition of the said John Guille, Esquire, referring to the several matters set forth in the above petition of the States and stating, that on the 26th January the Officers of the North Regiment agreed unanimously to present, without the Petitioner's knowledge, a Memorial to His Excellency the Lieutenant-Governor, praying that the Petitioner might be reinstated ; and that a correspondence took place in consequence thereof between His Excellency and the Petitioner, through the Officers of the Regiment and through Robert Bourne, Esquire, a mutual friend of the parties, from which the Petitioner humbly trusts it will appear that he has not been dismissed for any act done by him as an officer ; that he has offered the fullest explanation of his conduct to His Excellency, and that having repeatedly yielded to the suggestions of His Excellency's friends, he is justified in concluding that the General Militia Order of the 25th November remains unrepealed solely because he would not consent to compromise his privileges as a member of the States ; and humbly praying that as the said breach of privilege has been committed in the person of the Petitioner, Your Majesty may be pleased to declare the Military Order so made by His Excellency the Lieutenant-Governor illegal, and subversive of the privileges of the Petitioner and of the inhabitants of Guernsey, inasmuch as His Excellency therein censures the Petitioner and dismisses him from the command of his Regiment in the Militia, for expressions used by him in the Assembly of the States in the discharge of his public duty as a member of that body ; and that Your Majesty will be pleased to make such Orders as to Your Majesty's Royal wisdom may

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appear meet and proper for the purpose of securing to the inhabitants of Guernsey the same full and entire freedom of discussion in their constitutional assemblies that their ancestors have ever enjoyed, and preventing the future violation thereof; or that Your Majesty will be pleased to make such other Orders touching the breach of privilege so committed in the person of the Petitioner, as to Your Majesty's wisdom may seem proper; and that Your Majesty will be graciously pleased to allow the Petitioner to be heard by Counsel before the Lords of the Privy Council, in support of his humble supplication.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Orders of Reference, have taken the said Petitions and several Documents annexed thereto, together with the answer of Major-General Bayly, Lieutenant-Governor of the Island of Guernsey, to the said Petitions and the several Documents annexed thereto into consideration, and do agree humbly to report to Your Majesty:— That they observe with satisfaction that in his letter to the Bailiff dated the 3rd of February 1819, the Lieutenant-Governor states ‘that he assumes no right to controled the general or individual votes or opinions of the members, nothing being further from his thoughts, and if the words of his Order convey to anyone of them the idea of such an assumption, that he disavows any intention of that kind, for that they may rest assured that he shall ever respect their full and entire liberty to declare their opinions and freely discuss the matters submitted to their deliberation;’ but in order to remove any misapprehension on this subject, Their Lordships beg leave humbly to recom-

mend that the Lieutenant-Governor should be instructed to withdraw the Order of the 30th of November 1818, which, although it notices in the subsequent part of it the backwardness and want of zeal of Colonel Guille as a militia officer, yet brings forward the principles held forth by that gentleman at the Royal Court as the main ground of his dismissal. The Lords of the Committee, however, beg leave to represent to Your Majesty that Colonel Guille having been dismissed from his command by lawful authority, was bound, whatever were the grounds stated for such dismissal, to have submitted to the same until the question of the propriety of his dismissal should have been decided by the higher authority to which his appeal was to be made. His letter to Major-General Bayly of the 1st of December 1818, in which he states that he still considered himself as Colonel of the 1st Regiment and shall notify the same to Lieutenant-Colonel Hamelin, that he may not trespass upon the Ordinances of the Royal Court by interfering with his command, and his letter of the same date to Lieutenant-Colonel Hamelin, in which he states 'that he is Colonel of the 1st Regiment, that he does not in any way admit the right of the Major-General thus to deprive him of his Commission in such an arbitrary and illegal manner, and requires that he will not trespass upon the Ordinances of the Royal Court by interfering with his command, until his dismissal had been sanctioned by a lawful authority,' appear to Their Lordships so subversive of military discipline, that they cannot recommend that he should be restored to his

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command, until the pretensions advanced in those letters to consider himself as colonel of the 1st Regiment, notwithstanding his dismissal, shall have been explicitly retracted and disavowed."

HIS MAJESTY having taken the said report into consideration was pleased, by and with the advice of His Privy Council, to approve thereof and to order, as it is hereby ordered, that the Lieutenant-Governor do call upon Mr. Guille explicitly to retract and disavow the pretensions advanced in his letters to the Lieutenant-Governor and Lieutenant-Colonel Hamelin of the 1st of December 1818, to consider himself as Colonel of the 1st Regiment notwithstanding his dismissal ; and that, on the same being explicitly retracted and disavowed, the said Lieutenant-Governor do withdraw the Order of the 30th November 1818, and restore him to the command of the said Regiment.

And the Right Honourable Viscount Sidmouth, one of His Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

CHETWYND.

(*Enregistré sur les Records le 28 Juin 1823.*)

AT THE COURT AT CARLTON HOUSE
the 13th May 1823

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

(Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, &c., dated the 2nd of May, 1823) :—

Appaux,
Arrêts, &c.

HIS MAJESTY having taken the said Report into consideration was pleased, by and with the advice of His Privy Council, to approve thereof, and to order as it is hereby ordered :—

That the "Cour d'Appel devant plus de Jurés" in the Island of Guernsey be abolished ;

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That in appeals from the "Cour Ordinaire to the Cour des Jugements" no Depositions in writing be taken, nor appeal allowed, where the sum in dispute does not exceed the amount of One Hundred and Fifty Livres Tournois ;

That appeals to His Majesty in Council shall be confined to cases where the object in dispute, if real property, amounts to the value of Ten Pounds sterling per Annum, or if personal, of Two Hundred Pounds sterling ; and that such appeals be prosecuted within the space of Six Months from the date of the Judgment complained of ;

That no Arrest of the Person be permitted for any sum under Five Pounds sterling, and that it be in all cases founded on an Affidavit taken before the Bailiff or Lieutenant-Bailiff, or before any one Jurat of the Court ; and that all persons, whether "fondés en héritage" or not, be equally liable to Arrest for debts due on Promissory Notes, Bills of Exchange, or other Negotiable Securities ;

That it be made a requisite Qualification of Bail, whether "fondés en héritage" or not, that he prove himself possessed of sufficient property, over and above the payment of his own just debts, to answer the demand of the plaintiff, one half of which property shall be real estate within the Island. That the proof in all cases shall be the oath of the party, subject to *vidé voce* examination on the part of the plaintiff in the cause ; the Bail being given either to pay the debt, or to surrender the defendant ;

That the privilege claimed by those who are "fondés en héritage," of having their goods exempted from Attachment, be abolished ;

That the Table of Costs be revised so as to make the charges correspond with those necessarily incurred ;

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That the Commis be ordered to class the several articles of an account dependent on each other, or of the same nature, under distinct heads, and that the number of causes be limited by the number of these Heads.

And His Majesty doth hereby further direct that this Order be registered in the Royal Court of the said Island of Guernsey, whereof the Bailiff and Jurats of the Royal Court of the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JAS. BULLER.

(Enregistré sur les Records le 31 Décembre 1825.)

AT THE COURT AT CARLTON HOUSE
the 20th December 1825

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

Renonciation
et Cession.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th of last month, in the words following, viz. :—

“The Lords of this Committee, to whom Your Majesty had been pleased to refer a Report of the Commissioners appointed to go into Your Majesty’s Island of Guernsey, and to examine into the laws now in force and administered between Debtors and their Creditors, and particularly as to the law of arresting and holding to bail Debtors and others sued for Damages, as well natives of Your Majesty’s said island as other Your Majesty’s subjects sojourning and inhabiting in the said island, and as to the Law of Renunciation and Cession as administered and practised there, and as to all distinctions in the said law between the natives of Your Majesty’s said island and Your Majesty’s other subjects sojourning and

inhabiting in the said island, with respect to the several matters aforesaid, did on the 2nd of May 1823, report their opinion upon several points which suggested themselves to their Lordships, after much consideration of the report of the said Commissioners; and Your Majesty was pleased by Your Order in Council of the 13th of the said month to approve thereof, and give the necessary directions to the Royal Court accordingly. But with regard to the Law of Cession and Renunciation, and that respecting Guarantie, the Lords of the Committee humbly represented to Your Majesty that they deferred their Report till they should have received some further observations thereupon from the Royal Court, and Their Lordships accordingly called upon the Royal Court for such further observations, which were transmitted in the month of March last, wherein the Royal Court suggest, under the head of Renunciation and Cession, the following regulations which appear to them adapted to the several points of view under which the modes of freeing a Debtor's person, and insuring the abandonment of his property to his Creditors, may be considered and continued.

1st, That no person be definitely received to take the benefit of the Renonciation Volontaire until one month after the offer of the Debtor in Court to make that Renunciation; and until the Creditors, publicly summoned to attend on one of the last days of that month, have an opportunity of being heard.

2nd, That from the day (that day included) on which the offer to renounce is made in Court, no preference can be obtained by one Creditor over another, by any means or transaction whatsoever either in or out of Court; and on the day when such offer is made, a Committee shall be named by the Court to superintend the concerns of the Debtor.

3rd, At the end of the month, and after hearing

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the Creditors, the Court shall admit the Debtor, against whom nothing appears to the contrary, to the Renonciation Volontaire. But where there are reasons to the contrary proved to the satisfaction of the Court, the Debtor may be admitted only to the benefit of Cession. And in cases of evident fraud the Court may refuse him the benefit of either.

4th, All natives, and others received as inhabitants according to the usual forms, and all His Majesty's subjects resident in this island a year and a day, who shall offer the Renonciation Volontaire before they be imprisoned for debt, shall alike be entitled to the benefit of that Renonciation agreeably to the three first articles.

5th, The benefit of Cession to be granted to all natives, and others received as inhabitants according to the usual forms, and to all His Majesty's subjects having resided in this island a year and a day when imprisoned for debt, and immediately after hearing the Creditors at whose suit the person is in Prison, when no fraud is apparent.

6th, To all others the benefit of Cession may be allowed, when no fraud is apparent, after an imprisonment of three months.

7th, The period of imprisonment may be prolonged when the Creditor shews a sufficient cause, at the discretion of the Court, but not beyond two or three years as Your Lordships may judge proper.

“THEIR LORDSHIPS are of opinion that the period of imprisonment should be only two years, and with this alteration they agree humbly to report, that it may be advisable for Your Majesty to approve of and confirm the above Regulations proposed by the Royal Court.

With respect to the observations of the Royal Court as to Renonciation par loi outrée and saisie, although Their Lordships are not fully satisfied with the imperfect manner in which the Royal Court have explained the inconvenience which might result from the alterations proposed by them, they are willing to admit a trial of the Amendments suggested by the Royal Court in that form of process, and therefore agree to report as their opinion to Your Majesty, that the nine defaults under this head should be reduced to five ; and that the saisi hérédital should account for the whole of the receipts and apply the same to the general account of the Saisie.

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With respect to the observations of the Royal Court under the head of Garantie, Their Lordships agree to report as their opinion to Your Majesty, that as to the personal liability of the grantees of Rentes Foncières, or of those from whose hands these Rentes afterwards passed, and also to the liability of other lands acquired by them, the limitation should be fixed to forty years* ; and that with respect to Rentes created after the Order of Your Majesty in Council shall have been made thereupon, and transmitted to the Royal Court, such after purchased lands should be wholly exempted from liability to such Rentes."

HIS MAJESTY having taken the said Report into consideration was pleased, by and with the advice of His Privy Council to approve thereof, &c.

C. GREVILLE.

* La Prescription Immobilière a été réduite à trente ans par un Ordre en Conseil du 6 Mars 1852, enregistré sur les Records le 13 Mars 1852.

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(Enregistré sur les Records le 18 Mars 1826.)

AT THE COURT AT WINDSOR

the 30th September 1825

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Collège
Elisabeth.*

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 28th day of this instant, in the words following, viz. :

“Your Majesty having been pleased by Your Order in Council of the 16th of February last to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That since the command of this island devolved on Sir John Colborne, K.C.B., the mind of His Excellency, always intent on the public good, has directed its attention to the state of public instruction in general, and particularly to the state of Elizabeth College and those Parochial Schools which had been endowed by Royal Munificence:—That His Excellency having in 1823 named a Committee of Enquiry, their elaborate report and his remarks were laid before the States and proved the inefficiency of the system under which the College had hitherto been conducted, the spoliations which for want of special trustees had taken place, and the necessity of a new order of things both for the College and the Parochial Schools:—That the States convinced of this necessity, on the 30th June 1824, named a Committee to act in concert with His Excellency for the purpose of making such arrangements, experiments, and further enquiries as, from their results, should lead to the perfecting of a plan for the improvement of these Establishments, which might with propriety be submitted to the consideration of Your Majesty:—That by the readiness of the Reverend Nicholas Carey, former Master of the College, to make way for the trial of a new system, the concurrence of the Right Honourable the Earl of Pembroke, the assistance of the University of Oxford, the increase of Masters and Salaries, the general acquiescence in the payment of twelve pounds per annum for each student, and the occupation of larger schoolrooms,—the success of these and other measures adopted is such, that the College which seldom reckoned more than twelve or fourteen students, which was often reduced to less than half that number, and sometimes was without any at all, now reckons at the beginning of the second quarter more than seventy students:—That confirmed in the soundness

* Un autre corps de statuts a été ratifié par un Ordre en Conseil du 28 Décembre 1852, enregistré sur les Records le 11 Janvier 1853.

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of his views, and impelled by the desire of extending them to further good, His Excellency was induced to lay before the States several propositions, not only for the future management of the College and inferior public schools, but for other objects of great public utility; which propositions, after their being approved by the States Committee, formed the subject of the deliberation and decision of the States on the 6th January 1825:—That some of the propositions which the States have approved in principle, requiring elucidation as to the detail and mode of execution, the Prayer of the States is now confined to two points,—the one having for its object the improved plan for the College and other public schools, the other the means by which the States are to defray the expenses consequent to that improvement:—That on this first point the States rely on the proof, which the experience of 260 years furnishes, that the former plan was totally inadequate; on the arguments in favour of the new, drawn from a long and diligent enquiry and discussion; and on the success of the experiment by which the new plan is already put into practice:—That on the second point, the necessity of insuring to the States a revenue equal to its present amount cannot be doubted, when to their current expenses shall be added those of building and maintaining a suitable College, of encouraging an enlarged system of education, and giving assistance to the inferior public schools:—And as that revenue depends chiefly on the duty of One Shilling per Gallon on all spirituous liquors consumed in this island, which duty is granted for a limited period only of ten years, all that is humbly prayed for is to extend that period for fifteen years more, and to obtain permission to raise, on the credit of those fifteen years' duty, the sums previously wanted for the use of the said College and inferior schools:—That for the reasons above-mentioned, and in the two *Billets d'Etat*, by which the States were summoned, (printed copies of all which are annexed); The States most humbly pray, that Your Majesty may be graciously pleased to substitute, in lieu of the Statutes and Regulations before existing for Elizabeth College, Your Majesty's Royal Order in Council to the following purport and effect,—

The College Elizabeth to be placed under the special care of four Visitors, and thirteen Directors or Trustees.

The four Visitors to consist of Your Majesty's Secretary of State for the Home Department, the Governor of Guernsey, the Lieutenant-Governor, and the Dean, to whom appeals are to be made.

The thirteen Directors to consist of the Bailiff, Lieutenant-Bailiff, and Rector of St. Peter-Port, by virtue

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of their office,—three Directors to be named by the Lieutenant-Governor,—and seven by the States.

After four years from the first election, two Directors to resign in rotation every year, and the same number to be appointed by the Lieutenant-Governor or States, according to the nomination under which the retiring Directors happened to serve, and who are not to be re-eligible until the expiration of one year. Directors to vacate their office when they leave the island for two years. The superintendance and management of the College and its concerns to be trusted to these thirteen Directors. They shall regulate the finances of the Institution, receive all dues, rentes, and revenues coming to the College, as well as three pounds per quarter from each student, and regulate the salaries of the Masters and the general expenditure.

They are to notify to the Vice Chancellors of Oxford and Cambridge when the headship of the College becomes vacant, to receive testimonials of candidates for that office, and to forward their claims through the Lieutenant-Governor to the Governor with a recommendation.

The Directors to be warranted to regulate the Parochial and National Schools (with deference to private rights and patronage) and to aid their present supporters from the College funds.

The Directors to be authorised to dispose, for the increase of the permanent revenue of the College, of such parts only of the College Ground as may not be deemed useful to the Establishment: and provided always that the land reserved for the masters and students exceed Six Guernsey “Vergées” (equal to $2\frac{5}{12}$ English acres and a fraction).

And the States also most humbly pray, that in order to provide for the expenses attending the above-mentioned objects, in addition to the sums required for their current expenses and improvements of various kinds,—The duty of One Shilling per Gallon on all spirituous liquors, granted to the States for ten years ending on the 31st August 1829, be renewed and continued for fifteen years from that day, and that the States may be authorised to raise, on the credit of the duty that shall accrue during those fifteen years, such sums as may be previously wanted for the use of the College, and Parochial and National Schools.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition into consideration and the several Documents accompanying the same, and having received the opinion of Your Majesty’s Attorney and Solicitor General thereupon, Their Lordships do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty

to comply with the Prayer of the said Petition, subject to the proviso that, instead of the Visitors proposed by the States of the said island, the power should be reserved to Your Majesty of appointing such Visitors as Your Majesty may deem proper as permanent Visitors, and also such other Visitors as Your Majesty may at any time think expedient for any special purpose.—And further that it should be provided by express regulation that the acts of a majority of the Visitors, or any other number to be determined by Your Majesty, should be valid and binding.”

HIS MAJESTY having taken the said Report into consideration was pleased, by and with the advice of His Privy Council, to approve thereof, &c.

JAS. BULLER.

(Enregistré sur les Records le 21 Février 1829.)

AT THE COURT AT WINDSOR

the 2nd of February 1829

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

WHEREAS there was this day read at the Board a *Poids du Roi*. Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st of January last in the words following, viz. :—

“Your Majesty having been pleased by Your Order in Council of the 15th January last to refer unto this Committee the Humble Petition of the Royal Court of the Island of Guernsey in the name of the States of that island, setting forth :—That a part of the Revenues of the Crown in this island arose from an establishment common to Normandy and other countries, and appertaining to the domain of the Sovereign or Seignorial Chiefs to whom it was delegated, where public scales and weights were exclusively kept, and as expressed in the Extents ‘Whither both the inhabitants of the Isle and all strangers were bound to resort for the weighing of

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their Merchandizes and Commodities' and to pay a duty, which in the said island had never exceeded One Sou per Hundred-weight :— That by His Royal Charter dated Westminster the 12th February in the twentieth year of His reign, King Charles the Second was graciously pleased to make over unto the Bailiff and Jurats the right of levying the said duty for their use, which has accordingly ever since been done :—That the produce of the duty had at no time been sufficient to excite much interest in the thirteen magistrates among whom it was subdivided, and it was farmed out from year to year to persons who generally satisfied themselves with the duty on the goods actually weighed at the King's Beam, and were little disposed to enforce by law the payment of sums, necessarily small, from each individual for goods weighed elsewhere :—That the increasing population and consumption of the island having of late years rendered the strict receipt of the duty a matter of more importance, the present farmer has by legal process successfully asserted his right to its payment in several cases before overlooked :—That although the Court were not parties in the suits at law, yet the farmer's success tending eventually to augment the sums for which the duty would let in future, there was a pretext to impugn the motives of the Court, the more so as it was pretended that their decisions would add many hundreds of pounds to the duty :—That against such imputations the Court might have appealed to the whole tenor of their public conduct, to what that conduct has always been with respect to the very duty in question, and above all to the justice of their decisions ; but there was a higher duty to perform, and this was by the abandonment of all personal interest in the result of those decisions to afford the most undeniable proof of their disinterestedness, to put an end to all future collision

of interest and duty, and to leave no further opening for insinuations, which however unfounded they might be were always derogatory to the dignity of a Court of Justice and the respectability of its members :—That with these views the Court, after having consulted the merchants and others principally interested, offered to the States to divest themselves of the right to receive the duty arising from the King's Weights in future, and to resign the same unto the States on condition that there should be paid to the Bailiff and Jurats, now and hereafter, the same sum as they received before the decision alluded to, and that the nature of the duty should be so modified and regulated, as to guard the inhabitants against any extension and prevent all disputes :—The States having, by their deliberation of the 26th of March last (a copy of which was annexed to the said Petition), acceded to the proposal and authorised the Court to make the necessary application on the subject, The Royal Court did humbly pray that Your Majesty in Council would be graciously pleased to approve and confirm the deliberation of the States of the 26th of March 1828, relative to the King's Weights ; to permit the transfer of the right of levying the duty arising from the said Weights from the Royal Court to the States, on condition that they should pay annually unto the Bailiff and Jurats and their successors for the time being One Hundred and Seventeen Pounds, besides One Pound annually due to Your Majesty's local revenue : and on condition also that in the levying of the said duty the States should conform to the tariff and regulations approved by them, and annexed to the said Petition.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, this day took the said Petition into considera-

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tion and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve and confirm the deliberation of the States of the 26th March 1828, relative to the King's Weights ;—to permit the transfer of the right of levying the duty arising from the said Weights from the Royal Court to the States, on condition that they pay annually unto the Bailiff and Jurats and their successors for the time being One Hundred and Seventeen Pounds, besides One Pound due annually to Your Majesty's local revenue ; and on condition also that in the levying of the said duty the States do conform to the tariff and regulations approved by them and annexed to the said Petition."

HIS MAJESTY, having this day taken the said Report into consideration, was pleased by and with the advice of His Privy Council to approve thereof, &c.

JAS. BULLER.

(Enregistré sur les Records le 13 Septembre 1836.)

AT THE COURT AT ST. JAMES

the 19th August 1836

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

Augmentation
des Revenus
des Recteurs
de Paroisse.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th of this instant August, in the words following, viz. :—

“Your Majesty having been pleased by Your Order in Council of the 7th day of February 1835 to refer unto this Committee a letter from the Honourable George Lamb, dated the 7th of October 1833, with a letter from the Lieutenant-Governor of Guernsey, enclosing a memorial from the Dean and Rectors of

1836.

Guernsey on the subject of improving the livings of the said island, by appropriating the Tithes of the Crown to the said purpose, together with a letter from the Comptroller-General to the Receiver-General of Guernsey, with an account of the gross and net amount of the emoluments of the late Governor of Guernsey from Tithes and Champarts of corn and pulse in the said island for each of the last five years. Also a letter from the Dean of Guernsey on the same subject, and a petition from the fishermen of the said Island of Guernsey, praying that the Tithe on fish may be done away with, and that the Clergy may be compensated out of the Revenues of the Crown. Also a Petition of the Rector of Saint Sampson's against such commutation of Tithe on fish.

“THEIR LORDSHIPS have taken the said papers into consideration, together with a letter from the Secretary of the Treasury stating the readiness of that board to place at the disposal of the Lords of the Council, for the benefit of the Clergy of the Island of Guernsey, the whole of such parts of the revenue arising from Tithes and Champarts payable in right of the interest of the Crown, amounting on an average of seven years (including One Thousand Eight Hundred and Thirty-four) to Eight Hundred and Forty-five Pounds Seventeen Shillings and Four Pence ; and directed a letter to be written to the Bishop of Winchester, enclosing copies of the above papers, and requesting to be put into possession of such local information upon the said subject as His Lordship might possess of the relative value of the said livings, and the principle upon which the proposed augmentation should be made ; and whether it would be advisable that the additions should be in equal or unequal proportions. And

“THEIR LORDSHIPS, having received an answer from the Lord Bishop of Winchester thereto,

1836.

did on the of July last again resume the consideration of the matter, and agree humbly to report as their opinion to Your Majesty, that compensation for the Tithe of fish in the said Island of Guernsey ought to be made out of Your Majesty's Tithes at the rate of Ten Pounds per annum to each of the Rectors of St. Peter's-Port, St. Sampson, the C atel, St. Saviour, St. Peter-du-Bois, Torteval, the Forest and St. Martin, and at the rate of Twenty Pounds per annum to the Rector of the Vale. And that a further appropriation to the extent of Five Hundred and Fifty Pounds per annum, out of the remaining portion of Your Majesty's Tithe within the said Island, should be divided into eleven equal shares according to the scale hereto set forth, exhibiting the present incomes of the Rectors and the proposed regulations thereto :—

NAME OF PARISH.	Present Income.	Proposed Augmentation.	Estimate of future amount.
St. Peter-Port.....	370	2 Shares.	470
St. Sampson's.....	65	1 Share.	115
The Vale.....	65	”	115
The C�atel.....	106	”	156
St. Saviour's.....	90	”	140
St. Peter-du-Bois.....	90	”	140
Torteval.....	42	”	92
The Forest.....	41	”	91
St. Martin.....	100	”	150
St. Andrew.....	102	”	152

“Their Lordships further humbly report as their opinion to Your Majesty, that it may be advisable for Your Majesty to order and direct that the united parishes of Torteval and the Forest, and of St. Sampson's and the Vale, be separated at their next avoidance respectively, and that in the meantime Curates should be appointed who shall reside and

perform duty in the two parishes where the Rectors do not reside.” 1835.

HIS MAJESTY having taken the said Report into consideration, was pleased by and with the advice of His Privy Council, to approve thereof, and also of the scheme for the future augmentation of Livings of the said Clergy of Guernsey; and the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions for causing the distribution according to the said scheme, to be made out of His Majesty's Tithes in the said island. And His Majesty is further pleased to order, and it is hereby ordered, that in the event of the avoidance of the livings of the united parishes of Torteval and the Forest, and of St. Sampson's and the Vale, no appointment of Incumbents thereto be made by the Lieutenant-Governor of the said Island, until notice thereof shall have been made to this Board, and His Majesty's pleasure received thereon. Whereof the Lieutenant-Governor of the Island of Guernsey for the time being is to take notice and govern himself accordingly.

C. C. GREVILLE.

(Enregistré sur les Records le 15 Août 1835.)

AT THE COURT AT ST. JAMES'S

15th of July 1835

PRESENT

THE KING'S MOST EXCELLENT MAJESTY, &c.

WHEREAS by an ancient rule for regulating the hearing of appeals to His Majesty in Council from the islands of Jersey and Guernsey, such appeals are directed to be heard between the beginning of Easter and the end of Trinity Terms in every year, and the respondents to such appeals have hitherto been accordingly summoned to appear and answer the same

Appel & Sa
Majesté en
Son Conseil.

1835.

within the above-mentioned time, in the current or ensuing year as the case might require. And whereas the said rule is productive of unnecessary delay in bringing the aforesaid appeals to a hearing, and it is expedient that the same should be revoked, and that the respondents to such appeals should henceforth be summoned to appear and answer the same within the time, and that such appeals should be heard in the manner hereinafter mentioned.

HIS MAJESTY is therefore pleased by and with the advice of His Privy Council to order, and it is hereby ordered, that from and after the date of this order, the aforesaid rule and also all other rules, orders, usages and practice, with respect to the hearing of appeals to His Majesty in Council from the said islands or the summoning of the respondents thereto, now in force and in any wise repugnant to or at variance with this present order be, and the same are hereby revoked, abrogated and annulled.

Provided nevertheless, and it is hereby further ordered, that nothing herein contained shall affect the time limited for the appearance of any party by a summons already issued in any such appeal as aforesaid.

And it is hereby further ordered that, from and after the date of this order, all appeals to His Majesty in Council from the said islands shall be subject to the same regulations as to setting down for hearing and being heard as shall from time to time be in force with regard to appeals to His Majesty in Council from His Majesty's plantations and colonies abroad.

And it is hereby further ordered that henceforth in all appeals to His Majesty in Council from the said islands, the respondents thereto be summoned by the proper officers of the said islands respectively to appear and answer the said appeals within forty days from the said respondents being so summoned.

And lastly it is hereby further ordered that this order be registered in the Royal Courts of the said islands of Jersey and Guernsey, and that the Bailiff and Jurats of the said Royal Courts for the time being, do respectively give the necessary directions for that purpose.

1840.

C. C. GREVILLE.

(Enregistré sur les Records le 3 Août 1840).

AT THE COURT OF BUCKINGHAM PALACE

13th of July 1840

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Jersey and Guernsey, dated the 22nd of June last, in the words following, viz. :—

Loi sur les Successions.

“YOUR MAJESTY having been pleased, by your Order in Council of the 5th of March last, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—That the law of Normandy, in all matters of succession and inheritance, is still the law of Guernsey :—That the lapse of ages and the altered state of society may, without any departure from the principle of that law, be said to necessitate changes recommended by justice, experience, and general consent :—That the propriety and nature of those changes have not originated with the States, but in the public feeling, expressed by petitions of the most intelligent inhabitants, and particularly by one presented to the Royal Court on the 27th June 1838 :—That a Committee named by the Court to take that petition into consideration, after much research, laid before the Court its report, dated the 5th April 1839 :—That the Court, having taken

1840.

all the means in their power to ascertain the wishes of the inhabitants and the merits of the case, submitted a project of reform to the States, by whom it was discussed in all its parts, modified in several, and ultimately adopted in its present form, as it was with the said petition humbly submitted :—That the said Petitioners beg with due submission to assure Your Majesty that the said Project far from being the result of agitation, wild innovation, or party zeal, was temperately proposed, maturely discussed, and considerably adopted :—And humbly praying for themselves and in behalf of the inhabitants of the said Island of Guernsey, that Your Majesty may be graciously pleased to approve and sanction the changes in the Laws of Succession and Inheritance proposed in the said Project, and to order that such changes should in future have force of law in the said island.

“THE LORDS OF THE COMMITTEE in obedience to Your Majesty’s said order of reference, have this day taken the said Petition and Project of Law into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve and sanction the changes in the Laws of Succession and Inheritance proposed in the said Project, and to order that such changes shall in future have force of law in the said Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of her Privy Council, to approve thereof, and doth hereby approve and sanction the changes in the Laws of Succession and Inheritance proposed in the said Project of Law (copy whereof is hereunto annexed), and doth order, as it is hereby ordered, that such changes shall in future have force of law in the said

Island of Guernsey. And HER MAJESTY doth hereby further direct, that this Order and the said Project of Law be entered upon the Register of the said island, and observed accordingly.

1840.

And the Governor, Lieutenant-Governor, or Commander-in-Chief, Bailiff and Jurats, and all other Her Majesty's Officers in the said island for the time being, and all other persons whom it may concern, are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

WM. L. BATHURST.

PROJET DE LOI.

1.—Le droit de Vingtième en faveur des fils est aboli. Le droit de Préciput en faveur du fils aîné continuera à avoir lieu, sujet toutefois aux modifications portées dans les articles qui suivent.

Vingtième
aboli.
Préciput
continuera à
être levé.

2.—En succession héréditaire en ligne directe, lorsque des fils et filles succéderont ensemble, ils partageront, après le préciput du fils aîné levé, les fils deux tiers, les filles un tiers ; excepté dans les cas où de cette manière la portion d'un fils excéderait le double de celle d'une fille, auxquels cas la portion de chacun des fils sera réduite au double de la portion de chaque fille ; excepté aussi dans les cas où de cette manière la portion d'une fille excéderait celle d'un fils, auxquels derniers cas les fils et les filles partageront en portions égales.

Partage
d'héritage en
ligne directe.

3.—Dans les successions mobilières, l'aînesse sera un septième des meubles meublants, après le tiers de la veuve prélevé ; comme aussi tous les portraits de famille, et les pièces d'argenterie et autres objets donnés au père ou aux ancêtres par des corps publics.

Aînesse sur
meubles.

4.—En succession directe, lorsqu'il n'y aura que des filles à partager, la plus jeune fera les billes, et elles choisiront suivant leur aînesse.

En partage
entre filles, la
plus jeune fera
les billes.

1840.

Préciput ne s'étendra au-delà d'un seul enclos.

5.—Le Préciput du fils aîné ne pourra s'étendre au-delà d'un seul enclos, malgré que cet enclos ne contiennent pas la quantité de terrain qui est ordinairement assignée pour cet objet, qui est de quatorze à vingt-deux perches.

Ainé pourra prendre jusqu'au tiers de la terre de la succession à taux.

6.—Lorsque l'enclos sur lequel le fils aîné aura levé son préciput ne contiendra pas le tiers de la terre à partager dans la succession, ledit préciput inclus, les Douzeniers de la paroisse lui assigneront, s'il l'exige, en outre ledit enclos, de la terre en telle partie de l'héritage qu'ils jugeront convenable, jusqu'à concurrence dudit tiers. Et fera ledit aîné récompense à ses cohéritiers de la valeur dudit tiers (sauf le préciput), d'après l'estimation qui en sera faite par lesdits Douzeniers.

Ainé ne pourra lever de préciput sur la succession du survivant de son père et de sa mère, qu'en rapportant à partage la valeur de celui qu'il aura levé sur la succession du prédécédé, &c.

7.—Le fils aîné ne pourra lever de préciput sur la succession héréditaire du survivant de ses père et mère, à moins qu'il n'ait fait évaluer par les Douzeniers de la paroisse le préciput qu'il aura levé sur la succession du prédécédé de ses dits père et mère à l'époque même qu'il le leva ; et il sera tenu de rapporter ladite valeur à partage, s'il lève le second préciput. L'évaluation se fera par lesdits Douzeniers, tant en rentes qu'en argent, afin que ledit aîné ait le choix de faire ledit rapport de l'une ou de l'autre manière. Si le rapport se fait en rentes, elles seront assignables pendant quarante ans, de même que tout autre retour de bille. Un petit fils qui aurait déjà levé un préciput sur l'héritage de ses père et mère, pourra toujours prendre, dans la succession d'un aïeul ou aïeule, celui auquel son dit père (s'il était fils aîné) aurait eu droit, de la même manière et aux mêmes conditions par rapport aux cohéritiers de son dit père. Et aura l'option de le partager avec ses frères et sœurs consanguins, ou de le garder lui-même en rapportant la valeur de celui qu'il possède déjà.

Extension des Barrières de la Ville.

8.—Les maisons, édifices et terrains situés dans

l'enceinte des Barrières de la Ville, seront partagés entre cohéritiers en ligne directe, de la manière indiquée dans l'Article 2, sans qu'aucun préciput soit accordé au fils aîné.

Les limites de cette enceinte seront tracées comme suit :—Tout ce qui se trouvera à gauche de la ligne ainsi tracée jusqu'à la mer, sera compris dans ladite enceinte ; savoir :—Commençant la ligne desdites limites au rivage et passant en devant, et par le carrefour du magasin dit *Long-Store*, prendre par la rue menant à l'église St. Jean ; suivre la route des Amballes jusqu'au chemin à droite qui monte aux Côtils, et passant à l'Est de l'héritage de Jean-Elizée Tupper, écr., et au Sud de celui de Castle Carey, descendre par la pompe des Volorens, jusqu'à la muraille au Nord-Ouest de l'hôpital de la ville ; suivre la ligne de cette muraille jusqu'à la rue dite de l'hôpital, monter cette rue, et passant en devant de la grande entrée de l'église St. James, continuer à monter jusqu'au carrefour au haut de la rue St. James. De là prendre la grande route du Câtel jusqu'au carrefour de la Grange ; tourner à gauche et passant à peu-près en droite ligne, à l'Ouest de la maison des héritiers de feu William-Pierre Le Cocq, écr., descendre la petite ruelle escarpée à l'Est du terrain du Sieur Crick, jusqu'à la ruelle des Petites-Fontaines. De cette partie de la ruelle traverser les terres en droite ligne jusqu'à la pompe dans la grande route du Mont-Durand ; et de là traverser aussi les terres en droite ligne jusqu'au coin de l'Est de l'écluse de la Charroterie : de là monter la ruelle dite *Park Lane Steps* jusqu'au chemin venant de la Varde ; descendre ledit chemin jusqu'au carrefour du pied de la Varde, là prendre la route de Havelet et la suivre jusqu'à la mer.

9.—Les propriétés situées dans les Barrières de la Ville, qui tomberont en partage en succession

Propriétés
dans les
Barrières de la
Ville ;
manière de les
partager.

1840.

directe, seront d'abord évaluées par les Douzeniers de la Ville, et chacune d'elles formant un lot avec ses dépendances sera offerte à cette évaluation séparément et successivement aux fils, et ensuite aux filles, suivant leur aïnesse. Si l'aîné choisit le premier lot, le deuxième sera offert en premier lieu au second fils, et ainsi de suite. Si l'aîné refuse le premier lot, il aura le choix du deuxième, et ainsi de suite. Les lots que tous les cohéritiers refuseront de prendre à ladite évaluation, seront licités publiquement pour le compte de la cohéridité.

Fillles mariées partageront de droit dans les successions mobilières de leurs pères et mères.

10.—Les filles mariées partageront de droit dans les successions mobilières de leurs pères et mères, pourvu qu'elles rapportent à partage la Dot qu'elles auront reçue du défunt de la succession duquel il s'agit. Mais elles auront toujours la faculté de retenir ladite Dot, en refusant d'entrer en partage.

Partage de propres en collatéral.

11.—En succession collatérale de Propres, les mâles ni leurs descendants n'excluront pas les femelles ni leurs descendants ; mais les parents des deux sexes, dans la ligne de qui l'héritage descend, partageront l'héritage par souches dans les mêmes proportions qu'en ligne directe.

Partage de meubles acquêts et conquêts en collatéral.

12.—En succession collatérale de Meubles, Acquêts, et Conquêts, les mâles ou leurs descendants n'excluront pas les femelles ou leurs descendants, en parité de degré ; mais les plus proches parents du décédé, en parité de degré, tant mâles que femelles, partageront dans les mêmes proportions que des biens de la même nature (soit meuble soit héritage) seraient partagés en ligne directe. Et il y aura représentation de degré quand les neveux et nièces viendront à la succession d'un oncle ou tante avec les frères et sœurs du décédé et non autrement ; dans lequel cas lesdits neveux et nièces subdiviseront entr'eux, de la même manière, la part de la succession qui serait échu à leur père ou mère s'il eut été vivant.

13.—Les ascendants qui n'auront plus de descendants vivants, hériteront des meubles, acquêts et conquêts du dernier survivant de leurs descendants. En succession ascendante, le père sera préféré à la mère, et la ligne paternelle à la ligne maternelle en parité de degré. Dans les mêmes cas que dessus, les ascendants hériteront aussi respectivement du propre de leur ligne seulement. Le père aura droit dans tous les cas de prélever sur la succession de son enfant, mort sans descendants, les avances de succession qu'il lui aura faites, et pour lesquelles il aura obtenu soit la reconnaissance par écrit du défunt, soit un acte de Cour constatant l'avance faite.

1840.

Ascendants préférés aux collatéraux dans certains cas, &c.

14.—Toute personne qui ne laissera pas de descendants pourra disposer par testament, ou donation à cause de mort, de l'entier de ses acquêts et conquêts ; et pourra aussi disposer de la même manière de ses propres, dans le cas seulement où il n'aura point de parents dans le second degré, inclusivement, de la ligne dont ces propres sont provenus.*

Permis de disposer d'immeubles par testament dans certains cas.

15.—Le Testament d'Immeubles sera fait séparément de celui de Meubles.

Testaments d'immeubles.

16.—Tout acte portant donation à cause de mort, ou legs d'immeubles, sera signé par le donateur ou testateur en présence de deux Jurés de la Cour Royale, ou devant Justice dans le cas d'une femme couverte de mari, dont le serment sera requis.† La pièce ainsi authentiquée pourra néanmoins être changée ou modifiée en tout temps par une pièce revêtue des mêmes formalités ; elle pourra même être détruite sans formalité quelconque, par le donateur ou testateur.

Formalités des testaments d'immeubles, &c.

17.—Tout Testament d'Immeubles pourra être déposé par le testateur lui-même au Greffe de la Cour Royale, en payant deux schellings six pennis au Greffier. Le testateur pourra exiger que le testament soit mis sous une enveloppe cachetée ; alors

Testaments d'immeubles pourront être logés au Greffe, &c.

* Cet article a été rappelé par un Ordre en Conseil en date du 22 Juillet 1847, enregistré sur les Records le 31 Juillet 1847.

† La femme mariée ne sera pas tenue de prêter serment devant Justice. Art. 9, Ordre en Conseil du 15 Juin 1852, enregistré sur les Records le 26 Juin 1852.

1810.

cette enveloppe sera mise en présence du Greffier, qui devra d'abord s'assurer que la pièce est en effet le testament de la partie qui la dépose. Le testament sera en tout temps livré sans paiement quelconque sur la demande du testateur.

Examen au Greffe après la mort d'un individu pour savoir s'il y a déposé un testament.

18.—Toute personne pourra obtenir permission de la Cour Royale, en faisant preuve de la mort d'un individu, de faire examiner au Greffe si le défunt y a déposé un testament. Pour la lecture de tel testament s'il s'en trouve, le Greffier prendra deux schellings ; après quoi il sera permis à chacun d'en avoir lecture en payant un schelling au Greffier.

Testaments seront enregistrés au Greffe après le décès du testateur.

19.—Après le décès du testateur, les légataires ou l'un d'iceux devront obtenir permission de la Cour Royale de faire enregistrer le testament sur le livre des contrats, laquelle permission leur sera accordée après preuve dudit décès, sans préjudice aux droits d'autrui.

Greffier pourra livrer copie des testaments enregistrés.

20.—Après l'enregistrement d'un testament, le Greffier pourra en livrer copie à qui que ce soit, comme d'un contrat, et pour les mêmes prix ; mais l'original restera toujours déposé au Greffe.

Légataires universels ou résiduaire seront saisis de plein droit.

21.—Dans le cas d'un legs universel, c'est-à-dire, quand le testateur aura donné à une ou plusieurs personnes l'universalité de ses immeubles disponibles par testament, ou du résidu d'iceux, s'il en avait fait d'autres legs, les légataires universels ou résiduaire seront saisis de plein droit de l'entier de la succession héréditaire disponible, sans être tenus d'en demander la délivrance aux héritiers.

Légataires à titre universel tenu de demander partage.

22.—Les légataires à titre universel, c'est-à-dire, ceux auxquels le testateur aura donné une quote-part des immeubles dont la loi lui permet de disposer, seront tenus de demander de partager avec les héritiers ou les légataires résiduaire, selon le cas, lesquels seront saisis de plein droit de la succession.

23.—Le légataire particulier, c'est-à-dire, celui auquel un objet défini aura été légué, sera tenu d'en demander la délivrance aux héritiers ou aux légataires résiduaire, selon le cas.

1840.

Légataires particuliers tenus de demander délivrance de leurs legs.

24.—Le légataire particulier ne sera tenu que des charges réelles auxquelles le fonds qui lui aura été légué est particulièrement affecté, à moins que les autres biens de la succession ne suffisent pas pour payer les dettes dues sur icelle.

Charges auxquelles les légataires particuliers seront tenus.

25.—Les légataires à titre universel seront tenus, de concurrence avec les héritiers ou les légataires résiduaire, pour leur proportion des charges réelles qui sont dues généralement sur tout l'héritage, sans avoir de fonds spécifique. Ils seront aussi tenus de la même manière de leur proportion de l'excédent des dettes mobilières, après que tout le mobilier de la succession aura été employé à les acquitter.

Charges auxquelles les légataires à titre universel seront tenus.

26.—Dans six mois après sa mise en possession, le légataire livrera à chacun des rentiers auxquels le fonds qui lui est légué est redevable, copie, sous le sceau du Bailliage, du testament ou de la partie qui le concerne. S'il n'est pas seul légataire universel ou résiduaire, il devra aussi livrer une copie, authentiquée de la même manière, de sa bille de partage ou de toute autre pièce qui définisse exactement la partie de l'héritage léguée qui lui appartient, et autres redevances dont elle est chargée. Faute à lui de le faire dans ledit temps, les héritiers, afin de se décharger de leur responsabilité envers les rentiers, pourront livrer lesdits droits, et auront droit de recouvrer leurs frais, et moitié en sus, du légataire. Les rentiers eux-mêmes pourront aussi, après ledit temps, se procurer lesdits droits et exercer le même droit de recouvrement contre le légataire.

Légataires livreront droits aux rentiers, &c.

27.—Le droit de Retrait Lignager est aboli dans le cas de vente d'immeubles à l'enchère devant Justice.

Retrait lignager aboli dans un cas.

1840.
Donataire de
femme sur
l'héritage de
l'ancêtre de
son mari.

Enfants ne
peuvent être
avantagés
par testament
l'un plus que
l'autre, &c.

Cas dans
lesquels les
Articles 1, 2, 7
et 8 ne seront
plus
applicables.

28.—Femme mariée n'aura d'hypothèque pour son douaire, sur aucune partie de l'héritage de l'ancêtre de son mari (malgré qu'il ait consenti au mariage), à moins que ledit ancêtre ne lui accorde expressément ladite hypothèque par un contrat juridique.

29.—Mère, de même que père, ne pourra par son testament donner de ses meubles à l'un de ses enfants plus qu'à l'autre.* Les pères et mères pourront ordonner que la proportion de leurs filles mariées soit placée en fidéi-commis, pour en être les dividendes payés auxdites filles pendant qu'elles seront couvertes de mari ; bien entendu que si elles survivent leurs dits maris, le capital sera transféré auxdites filles, et que si elles précèdent leurs maris le capital sera transféré à leurs héritiers, à moins que les filles n'aient, dans les cas permis, testamenté dudit capital.

30.—Les Articles 1, 2 et 8 ne seront pas applicables aux familles dans lesquelles l'aîné des fils, vivant lors de l'ouverture de la succession, aurait atteint l'âge de quatorze ans lors de la promulgation de la présente loi. L'Article 7 ne sera pas applicable aux fils aînés qui auront atteint l'âge de quatorze ans à la même époque.

(Enregistré sur les Records le 24 Octobre 1840.)

AT THE COURT AT CLAREMONT

3rd of October 1840

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Registre
Général des
Naissances,
des Mariages,
et des Morts.

WHEREAS there was this day read at this Board, a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 1st of this instant, October, in the words following :—

* Rappelé par un Ordre en Conseil du 7 Août 1869, enregistré sur les Records le 14 Août 1869.

“YOUR MAJESTY having been pleased, by your Order in Council of the 3d April last, to refer unto this Committee the humble Petition of the Royal Court of the said Island of Guernsey, setting forth :— That the Petitioners were called upon, on the 28th July 1837, by the Ministers of the several Chapels and places for religious worship not belonging to the Established Church, to give effect to the intentions of Parliament expressed in two Acts of the 17th August 1836, the one entitled ‘An Act for Registering Births, Deaths, and Marriages in England,’—the other, ‘An Act for Marriages in England,’ and also to an ‘Act of the 30th June 1837, to explain and amend the said Acts :’—That after referring the matter to a Committee, and hearing the conclusions of your Majesty’s Law Officers, the Court, on the 13th March 1838, drew up the regulations appearing to them conformable to the spirit and intention of the said Acts, and in agreement as much as possible with the local usages and institutions of such Court; and, considering the importance of those regulations, resolved to lay them before the States, and if approved to submit them to your Majesty in Council :— That the States of the said island, when consulted on the 10th April 1839, not having approved of the said regulations, the Ministers before-mentioned applied to your Majesty’s Government; and the Marquess of Normanby wrote to His Excellency Sir James Douglas approving the Ordinance on the whole as a judicious measure, suggesting some amendments, and leaving the matter in the hands of the insular Legislature, in the expectation that they would deal with it as expeditiously as its importance would admit :—That on the 14th February 1840 the States finally adopted the regulations contained in the Ordinance transmitted with the said Petition :—And praying that your Majesty may graciously be pleased

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to approve and sanction the Ordinance of the Royal Court as modified, and finally approved, by the States on the 14th February 1840.

“THE LORDS OF THE COMMITTEE, in obedience to your Majesty’s said order of reference, this day took the said Ordinance into consideration, together with sundry other papers transmitted from the said Island in respect to the same, and agree humbly to report as their opinion to your Majesty, that it may be advisable for your Majesty to sanction and confirm the said Ordinance, as amended by their Lordships by the introduction of the 26th Clause, allowing Marriages at the Registrar’s Office, and with an alteration in the proposed Table of Fees, by the substitution of a charge of Five Shillings to the Dissenting Minister instead of Three Shillings and Six Pence to the Registrar, as contained in the Table of Fees annexed to the Ordinance in regard of Marriages celebrated by license in Dissenting Chapels.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of the Privy Council, to approve of the said Ordinance (copy whereof is hereunto annexed) as amended by their Lordships by the introduction of the 26th clause allowing Marriages at the Registrar’s Office, and by the substitution of a charge of Five Shillings to the Dissenting Minister instead of Three Shillings and Sixpence to the Registrar as contained in the Table of Fees annexed to the said Ordinance in regard to Marriages celebrated by license in Dissenting Chapels ; and to order, as it is hereby ordered, that the said Ordinance, together with this Order, be entered in the Register of the said Island of Guernsey and duly observed. Whereof the Governor,

Lieut.-Governor, or Commander-in-Chief, for the time being, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

1840.

WILLIAM L. BATHURST.

ORDONNANCE.

1.—Le bureau du Greffe, où s'enregistrent présentement les Contrats et les Actes de la Cour Royale, sera pour le présent le bureau général des Naissances, des Mariages, et des Morts, ayant lieu à Guernesey, et dans les îles du Bailliage qui en dépendent. Le Greffier de la Reine, ou dans son absence son Député, dûment sermenté Député-Greffier, sera pour le présent le Régistrare.

Greffier sera
Régistrare.

2.—Pour la plus grande commodité des habitants, il sera nommé un Député dans chaque paroisse de la campagne, autorisé à recevoir les déclarations des Naissances, des Mariages, et des Morts, et à en faire l'entrée dans le livre qu'il gardera chez lui pour cet effet. Le Député sera le Maître d'Ecole de la paroisse, excepté dans les cas particuliers où la Cour croira à propos, sur la demande du Régistrare, de lui substituer quelque autre personne du choix dudit Régistrare. Pour les services imposés aux Maîtres d'Ecole par la présente Ordonnance, il leur sera payé par les Etats, annuellement, Cinq Livres Sterling.

Députés-
Régistrare.

3.—La Cour Royale de temps à autre pourra régler tout ce qui a rapport au bureau du Régistrare et aux Députés des paroisses de la campagne, comme elle règle aujourd'hui ce qui a rapport au Greffe.

Cour réglera
ce qui a
rapport au
bureau et aux
Députés.

4.—Il sera envoyé, une fois par an, au Secrétaire d'Etat par le Régistrare, un état général des Naissances, des Mariages, et des Morts pour l'année passée, dans la forme et de la manière indiquée par ledit Secrétaire d'Etat.

Etat général
des naissances,
&c., sera
envoyé au
Secrétaire
d'Etat.

1840.

Livres d'Enre-
gistrements.

5.—Il sera gardé par le Régistiaire, et séparément, un livre pour l'enregistrement permanent des Naissances, un pour celui des Mariages, et un pour celui des Morts ; comme aussi un journal courant pour chacun de ces enregistrements, dans lequel sera entré le rapport de chaque article au moment même qu'il est fait au Greffe. Et seront les articles dudit journal enregistrés dans le livre de l'enregistrement permanent dans les trente jours au plus tard après leur entrée dans le journal.

Députés-
Régis-
traires
déposeront au
Greffe leurs
livres.
Recteurs
pourront les
examiner.

6.—Les Députés-Régis-
traires des paroisses de la
campagne déposeront au Greffe tous les mois, avant
midi, et au plus tard dans les huit jours après l'expira-
tion du mois, le livre dans lequel ils ont fait l'entrée
des Naissances, des Mariages, et des Morts, afin qu'il
en soit fait copie dans les livres du Greffe, et que le
livre du Député lui soit rendu le même jour. Les
Recteurs sont autorisés à visiter et examiner, toutefois
et quantes, les livres des Députés de leurs paroisses
respectives, pour s'assurer que les entrées y soient
conformes avec les registres desdits Recteurs.

Déclaration de
naissance sera
faite avant
l'expiration de
trente jours.

7.—Lors de la naissance d'un enfant, tout père ou
toute mère, et à défaut de l'un et de l'autre le plus
proche parent dans l'île, et à son défaut l'occupant ou
le propriétaire de la maison où la naissance a lieu,
doit faire avant l'expiration de trente jours, comptés
après celui de la naissance, et sous une pénalité ne
passant pas Vingt Schellings, une déclaration en
personne, ou un rapport par écrit et signé, au Régis-
traire si c'est en ville,—et autrement, au Député de
la paroisse où la naissance a lieu,—de la naissance de
l'enfant ; lequel rapport doit contenir le jour de la
semaine et du mois de la naissance, le nom et le
prénom du père et de la mère, l'état, métier, ou pro-
fession du père, et la paroisse et la partie de la
paroisse où il demeure, et enfin, le prénom donné ou
à donner au nom de famille. Le Maître ou Gar-

dien de tout Hôpital ou autre institution charitable, —de toute Prison ou Maison de Correction,—est également tenu, sous la même pénalité, de faire son rapport des Naissances et des Morts qui s'arrivent dans lesdits lieux.

8.—Avant les huit jours expirés depuis la mort d'une personne, le plus proche parent demeurant dans la même maison, ou s'il n'y en a pas le plus proche dans l'île, et à son défaut l'occupant ou le propriétaire de la maison où elle est morte, ou celui qui a la surintendance des funérailles, est tenu, sous la pénalité qui n'excédera pas Vingt Schellings, de faire en personne, ou d'envoyer au Régistrare, ou Député en campagne, un rapport par écrit et signé, de la mort de la personne, spécifiant le nom, le prénom, et l'âge du décédé, le lieu de sa naissance, et la paroisse ou lieu de sa résidence ordinaire. Si c'est un étranger, dire le pays auquel il appartenait, et tous les détails dont on peut s'assurer la vérité.

1840.

Déclaration de mort sera faite avant l'expiration de huit jours.

9.—Afin de prévenir autant que possible toute méprise ou omission dans le registre, le Régistrare fera de suite l'entrée sur son journal de tout mariage célébré en sa présence. Il fera aussi, ainsi que les Députés-Régistres, toutes les perquisitions nécessaires pour s'assurer de la vérité ; et toute personne interrogée par eux à ce sujet est tenue de leur donner toute l'information qu'elle peut, sous une pénalité qui n'excédera pas Vingt Schellings. A l'expiration de chaque mois, les Recteurs, ou les Ministres officiants, seront tenus de faire parvenir au Régistrare, soit un rapport des mariages célébrés dans leurs paroisses respectives durant ledit mois, soit un rapport qu'il n'y en a pas eu durant le mois : et recevront lesdits Recteurs, ou Ministres officiants, du Régistrare, Six Pennis par chaque Mariage rapporté. A chaque trimestre, le Régistrare examinera et comparera ses entrées de Naissances, Morts, et Mariages, avec celles

Ministres donneront à Régistrare rapport des naissances, &c. Régistrare examinera registres paroissiaux, &c.

1840.

des Registres Paroissiaux et des Registres des Ministres ou autres officiers des différentes Chapelles et lieux de dévotion dans l'île. Les Recteurs, ou Ministres officiants des paroisses, sont convenus de permettre le Régistreur, ou les Députés-Régistres de leurs paroisses respectives, d'examiner tous les trimestres les Registres Paroissiaux, afin de constater si les registres du Greffe ou desdits Députés sont corrects, et contiennent une liste exacte des naissances et des morts par eux enregistrés durant le dernier trimestre. Les Ministres et autres officiers des autres lieux de dévotion seront tenus de faire parvenir à l'office du Régistreur, tous les trimestres, des listes par eux authentiquées des Naissances, des Mariages, et des Morts, dont ils ont la connaissance par eux-mêmes. En tous temps où l'office du Régistreur est ouverte, il sera permis aux Recteurs, ou Ministres officiants des paroisses, de visiter gratuitement les registres des Naissances, des Mariages, et des Morts, afin de s'assurer qu'ils sont conformes autant que possible avec les Registres Paroissiaux.

Après 42 jours
serment sera
exigé pour
l'enregistre-
ment d'une
naissance.

10.—Après les quarante-deux jours qui suivront la naissance d'un enfant, il ne sera plus permis au Régistreur d'en faire l'entrée sur son registre, à moins que ce ne soit dans les circonstances et de la manière suivante :—Dans le cas où la naissance d'un enfant n'aurait pas été enregistrée suivant les réglemens précédents, il sera permis à toute personne présente à la naissance, ou au père, à la mère, ou au tuteur, en aucun temps dans les six mois après ladite naissance, de faire une déclaration par serment devant la Cour Royale de tous les détails requis par l'Article VII, touchant la naissance dudit enfant ; et sur cette déclaration par serment, qui sera insérée sur le registre, le Régistreur pourra enregistrer ladite naissance. En pareil cas, il sera payé Un Schelling au Régistreur par la personne requérant ledit enregistrement.

11.—Après les six mois qui suivront la naissance 1840.
 d'un enfant, il ne sera plus permis au Régistratre Après six mois
 de l'enregistrer sans un Acte spécial de la Cour Acte de Cour
 Royale qui l'autorise à le faire. Un Acte à cet effet sera
 pourra s'obtenir dans le cas, par exemple, d'un enfant nécessaire.
 né hors de l'île, ou né avant la promulgation de la Idem pour un
 présente Ordonnance, après que les faits et les détails enfant né hors
 nécessaires auront été constatés satisfaitoirement à de l'île.
 la Cour ; l'Acte constatant ces faits sera enregistré
 sur le livre des naissances. Pour l'enregistrement
 de la naissance et l'entrée de l'Acte il sera payé
 Deux Schellings au Régistratre.

12.—Il sera fait et gardé parmi les registres des Indices seront
 indices des Articles contenus dans les différents livres gardés.
 du Régistratre. Il doit permettre en tous temps et
 dans les heures ordinaires la recherche, tant dans
 lesdits indices que dans les livres d'enregistrements,
 et donner copie sous sa signature d'aucun article
 enregistré dans lesdits livres. Pour chaque visite,
 ou recherche d'indice et du livre qui y a rapport,
 il lui sera payé Un Schelling, y compris copie de
 l'enregistrement par lui certifiée, si elle est demandée
 en même temps, et la même chose pour toute autre
 copie d'enregistrement par lui certifiée.

13.—Le Régistratre se procurera un Sceau de son Copies seront
 office, qu'il apposera à toutes les pièces copiées des scellées ou
 livres d'enregistrements, et certifiées par lui. Toutes timbrées.
 les pièces et copies ainsi certifiées, et revêtues ou
 timbrées dudit Sceau, seront reçues en témoignage
 et pour preuve de la naissance, de la mort, ou du
 mariage dont il s'agit, sans autre preuve de leur
 enregistrement. Toute pièce ou copie, quoique cer-
 tifiée et provenant de l'office ou bureau du Régistratre,
 ne sera en force et n'aura d'effet si elle n'est scellée
 ou timbrée dudit Sceau.

14.—Toute personne qui, dans le dessein de le faire Toute fausse
 insérer dans aucun registre de Naissance, de Mariage, déclaration
sera censée
parjure.

1840.

ou de Mort, donnera ou fera donner un état, ou rapport faux, d'aucun détail nécessaire d'être connu et enregistré au sujet desdites Naissances, Mariages, ou Morts, sera sujette aux mêmes peines et pénalités que si elle était coupable de parjure.

Anciens droits
des Ministres
resteront en
force.

15.—Rien de ce qui est contenu dans la présente Ordonnance ne portera atteinte à l'enregistrement des Naissances, des Mariages, et des Morts, tel qu'il se trouve établi en loi, ni au droit qu'a tout Ministre officiant de recevoir les honoraires ordinaires, présentement payés, pour l'administration, l'enregistrement, ou l'extrait d'aucun Baptême, Sépulture, ou Mariage, par lui administré et enregistré.

Ministres de
l'Eglise
Anglicane
observeront
les règles
prescrites par
la Rubrique.

16.—Pour les mariages qui auront lieu ci-après, toutes les règles prescrites par la Rubrique doivent continuer à s'observer par tout Ministre de l'Eglise Anglicane qui aura à célébrer un mariage. Toutes personnes peuvent donc être mariées comme auparavant dans le Bailliage, dans tout lieu et en tout temps, avec licence, ou par licence spéciale du Subrogé de l'Evêque. Toutes personnes peuvent également être mariées, comme auparavant, après la publication des bans du mariage ; mais toutes personnes peuvent aussi être mariées sans ces licences, et sans la publication desdits bans, en produisant le certificat ou la licence du Régistrare, comme est dit ci-après.

Notice sera
signée des
parties
voulant
contracter
mariage sans
licence du
Subrogé de
l'Evêque, &c.

17.—Dans le cas d'un mariage qu'on voudrait célébrer sans licence du Subrogé de l'Evêque, ou sans publication de bans, les parties doivent en donner connaissance au Régistrare par le moyen d'une notice, qu'elles signeront suivant la forme ci-annexée, marquée A ; dans laquelle notice sera inséré le nom, prénom, la profession et condition de chacune des parties voulant se marier, la demeure de l'une et de l'autre, et combien de temps (qui ne sera pas moins de sept jours) que chacune y aura demeuré. Si l'une ou l'autre a demeuré dans le lieu indiqué

plus d'un mois, on peut insérer qu'elle y a demeuré un mois et plus. Dans le cas où le mariage aurait été célébré par un Ministre de l'Eglise Anglicane, et sans la présence du Régistrare ou de son Député, il ne sera pas livré de certificat dudit mariage par ledit Régistrare jusqu'à ce qu'il ait vérifié sa célébration par l'examen du Régistre Paroissial, ou qu'il lui ait paru un certificat dudit Ministre à cet effet.

1840.

18.—Le Régistrare conservera toutes ces notices enfilées dans une liasse, et les fera de suite copier dans un livre ayant pour titre “ Livre de Notices de Mariage ; ” et pour l'entrée de la notice dans ledit livre il recevra Un Schelling. Ce livre de notice sera ouvert en tous temps, et sans paiement, à toute personne qui en voudra faire la visite. De plus les parties qui désireront se faire marier, soit dans une Eglise Anglicane ou dans une Chapelle Dissidente, par certificat du Régistrare, seront tenues de faire publier leurs bans, ou intention, par trois Dimanches consécutifs, dans les Eglises de leurs paroisses respectives, ou dans la Chapelle où le mariage aura lieu, et d'en donner un certificat au Régistrare ; et ce, si mieux n'aiment que leurs noms soient inscrits sur une liste encadrée et suspendue à l'office du Régistrare pendant vingt-un jours.

Livre de
Notices de
Mariage.

19.—A la fin des sept jours qui auront suivi celui de la présentation de ladite notice, dans le cas où le mariage doit être célébré par licence du Régistrare,—ou à la fin des vingt-un jours, dans le cas où la célébration aura lieu sans sa licence,—le Régistrare pourra donner sous sa signature un certificat dans la forme de celui marqué B, ci-après annexé, pourvu que la livraison de ce certificat n'ait reçu d'empêchement comme est dit ci-après. Et recevra le Régistrare Un Schelling pour ledit certificat.

Régistrare
donnera
certificat.

20.—Toute personne autorisée à cet effet pourra mettre empêchement à la livraison du certificat, en Empêchement

1840.

écrivain, avant ladite livraison, le mot "Empêchement" sur la notice du mariage entrée sur le livre des Notices de Mariage, et en y insérant et signant son nom et le lieu de sa demeure dans l'île, et les relations que la personne mettant empêchement peut avoir avec l'une des parties voulant se marier, pour l'autoriser à mettre ledit empêchement.

Licence du
Régistrare.

21.—Pour les mariages qui doivent être célébrés suivant les rites de l'Eglise Anglicane, la licence ne peut se procurer que du Subrogé de l'Evêque. Pour les mariages qui doivent se célébrer comme est dit ci-après, le Régistrare sera autorisé à donner des licences suivant la forme C, ci-annexée, et de s'en faire payer suivant la table des honoraires aussi jointe. Avant de livrer cette licence, une des parties voulant se marier paraîtra devant le Régistrare ou son Député, et affirmera solennellement que de sa connaissance il n'y a pas d'empêchement au mariage, soit à cause de parenté, d'alliance, ou d'autre cause légale, et que l'une des parties a demeuré dans le Bailliage pendant les derniers quinze jours. Dans le cas où l'une ou l'autre des parties serait sous l'âge de vingt ans, le père, la mère, ou le tuteur doit paraître devant le Régistrare pour consentir au mariage ; et s'il n'y a ni parents ni tuteurs autorisés à cet effet, une des parties à marier doit affirmer qu'il en est ainsi.

Cour en corps
statuera sur
oppositions.

22.—Toute personne, en payant Trois Schellings, peut entrer un caveat auprès du Régistrare, pour qu'il n'ait pas à donner de certificat ou de licence pour le mariage d'aucune personne nommée dans ledit certificat ou ladite licence. Dans le cas où un caveat serait présenté par une personne qui y appose sa signature, avec le lieu de sa demeure dans l'île et la raison sur laquelle est fondée l'objection portée dans ledit caveat, ou s'il y a empêchement mis au mariage suivant la forme prescrite à l'Article 20, il ne sera

donné ni certificat ni licence jusqu'à ce que la Cour, composée du Baillif, Lieutenant-Baillif, et sept Jurés pour le moins, aient examiné la nature dudit caveat et de l'opposition faite, et qu'ils en aient décidé ; ce qu'ils seront autorisés de faire, soit que la partie opposante paraisse ou ne paraisse pas, après qu'il paraîtra relation du Sergent du Roi, ou de la partie, de l'avis donné par le Régistrare à la partie opposante, ou à son domicile, de la séance de la Cour pour cet effet. Toute personne présentant un pareil caveat, ou mettant opposition sans juste cause, et dont l'opposition sera trouvée frivole ou vexatoire, sera sujette aux frais et aux actions en dommage.

23.—Quand un mariage n'aura pas lieu dans les trois mois après la notice entrée par le Régistrare, la notice et le certificat et toutes autres procédures qui y ont rapport seront nuls et de nul effet, et personne ne doit procéder à la célébration dudit mariage.

Après trois
mois notice
sera nulle.

24.—Le certificat du Régistrare sera livré au Ministre officiant de l'Eglise Anglicane de la paroisse où l'une ou l'autre des parties réside, si le mariage doit être célébré suivant les rites de l'Eglise Anglicane, en vertu du certificat obtenu du Régistrare, après notice de vingt-un jours, comme il a été dit. Dans tous les autres cas le certificat sera livré au Régistrare lui-même, qui doit être présent aux mariages, ainsi qu'il sera dit ci-après.

Certificat sera
livré au
Ministre ou au
Régistrare.

25.—A l'expiration desdits vingt-un jours, ou de sept jours si le mariage a lieu par licence du Régistrare, tous mariages non célébrés suivant les rites de l'Eglise Anglicane, et auxquels il n'y a pas d'empêchement légal, pourront être célébrés dans l'édifice mentionné dans la notice desdits mariages entre les parties dénommées dans ladite notice et dans le certificat, et suivant la forme et cérémonie que lesdites parties voudront adopter. A condition

Régistrare et
témoins
assisteront
aux mariages
non-anglicans.

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néanmoins que cet édifice sera dûment licencié pour la célébration des mariages de la manière ci-après spécifiée, et que tout mariage soit célébré, les portes de l'édifice ouvertes, entre les huit et douze heures du matin, en présence du Régistrare ou de son Député, et de deux ou plus de témoins dignes de croyance ; à condition aussi que dans quelque partie de la cérémonie, et dans la présence du Régistrare ou Député et desdits témoins, l'une et l'autre des parties feront la déclaration suivante :—

“ Je déclare solennellement ne connaître aucun empêchement légal pour lequel moi, A. B., ne pourrais être uni en mariage à C. D.”

Et l'une et l'autre des parties s'entre diront :—

“ J'en appelle aux personnes présentes d'être témoins que moi, A. B., te prends, C. D., pour être ma femme légalement mariée.”

Et ainsi de la part de la femme.

26.—Toute personne ayant objection d'être mariée suivant les articles de la présente Ordonnance dans aucun édifice licencié, comme sus est dit, pourra, après la notice dûment faite et le certificat du Régistrare obtenu, comme sus est dit, contracter et célébrer son mariage dans l'office et dans la présence du Régistrare ou de son Député et de deux témoins, les portes de l'office ouvertes, et entre les huit et douze heures du matin, en faisant la déclaration et l'usage des mêmes paroles qui ont été indiquées pour les mariages qui se célébreront dans les édifices licenciés pour cet effet. Ces déclarations seront signées des parties, et attestées par deux témoins, afin que le tout soit dûment enregistré par le Régistrare, qui recevra pour le mariage et l'enregistrement Dix Schellings, quand le mariage sera célébré dans son office, et Cinq Schellings lorsque célébré dans un édifice licencié, soit en ville ou en campagne ; bien entendu toutefois qu'il sera légalement loisible aux

Mariages
célébrés au
Greffe.

parties dont le mariage aura été contracté et célébré de la manière et dans les formes susdites, de confirmer leur dit mariage en tel lieu, et suivant telle forme ou cérémonie religieuse, que lesdites parties jugeront à propos.

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27.—Tout propriétaire d'un édifice employé exclusivement comme lieu de dévotion, et tout agissant pour un pareil édifice, peut s'adresser aux Officiers de Sa Majesté pour que l'édifice soit licencié à l'effet de pouvoir y célébrer les mariages, en leur mettant en main un certificat signé de vingt chefs de famille, qu'ils ont fait usage dudit édifice comme le lieu ordinaire de leur dévotion pendant un an pour le moins, et qu'ils désirent le faire licencier comme sus est dit ; lequel certificat, contre-signé du propriétaire ou agissant qui le remettra aux Officiers de Sa Majesté, sera soumis par eux à la Cour Royale, afin d'obtenir la licence et permission de célébrer les mariages dans ledit édifice qui sera enregistré par le Régistrare comme lieu dûment licencié. Et pour ladite licence et l'enregistrement il sera payé Trois Livres Sterling auxdits Officiers, et Régistrare.

Edifices
pourront être
licenciés pour
la célébration
des mariages.

28.—Tout mariage, célébré en vertu des dispositions de la présente Ordonnance, sera reconnu bon et valide, de la même manière comme l'étaient, avant ladite Ordonnance, les mariages célébrés suivant les rites de l'Eglise Anglicane. Toute personne qui, après la passation de la présente Ordonnance, célébrera, sciemment et à dessein, aucun mariage dans tout autre lieu qu'une Eglise ou Chapelle dans laquelle les mariages suivant les rites de l'Eglise Anglicane peuvent se célébrer, à moins qu'il n'y soit autorisé par licence spéciale du Subrogé de l'Evêque ou de son Député, ou dans aucun autre lieu spécifié dans la notice et le certificat avant dits, se rendra coupable de félonie (excepté dans le cas de mariage

Toute
personne
célébrant
mariage
illégalement
sera censée
coupable de
félonie.

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entre deux personnes de la Société dite des Quakers, suivant les usages de ladite Société ; excepté aussi dans le cas de deux personnes faisant profession de la religion Juive, suivant les usages des Juifs ; et excepté, pareillement, dans la Chapelle Catholique Romaine, où de tous temps les mariages des Catholiques Romains ont eu lieu.) Et toute personne qui, dans un édifice dûment licencié, célébrera, sciemment et à dessein, aucun mariage dans l'absence du Régistrare ou de son Député, se rendra coupable de félonie ; et toute personne qui, après la passation de la présente Ordonnance, célébrera dans ce Bailliage un mariage avant les vingt-un jours expirés depuis la notice faite au Régistrare, à moins que ce ne soit par licence du Subrogé de l'Evêque, ou avant les sept jours expirés depuis la notice, quoique ce soit par licence, ou qui célébrera un mariage après trois mois depuis ladite notice, sera coupable de félonie. Et seront les mariages ainsi illégalement célébrés nuls et de nul effet.

Frais d'achat
des livres.

29.—Les frais nécessaires pour l'achat des livres en première instance seront payés par les États : après ce premier achat les frais seront à la charge du Régistrare, tant pour les livres que pour se procurer des caisses de fer, où seront gardés les livres d'enregistrements.

Application
des amendes.

30.—Les amendes imposées par la présente Ordonnance seront applicables, quart à Sa Majesté, quart au délateur, et moitié aux États de cette île.

TABLE DES HONORAIRES QUI SERONT PAYÉS POUR
LES MARIAGES CÉLÉBRÉS EN VERTU DE LA PRÉ-
SENTE ORDONNANCE.

* * Les États ont pris pour règle, en fixant ces Honoraires, ceux qui existent pour les Mariages célébrés par les Ministres de l'Eglise Anglicane.

Honoraires présentement payés pour les Mariages célébrés par les Ministres de l'Eglise Anglicane.

NATIFS, MARIÉS APRÈS LA PUBLICATION

Des Bans ne paient rien
Honoraires du Ministre, pour les non-natifs et non-reçus *s. d.*
habitants 5 0

PAR LICENCE.

Licence 10 6
Ministre Officiant 5 0

15 6

Honoraires qui seront payés pour les Mariages célébrés dans les Chapelles Dissidentes, et en conséquence des Notices faites au Régistrare.

DANS LES CHAPELLES, PAR CERTIFICAT, APRÈS NOTICE DE 21

JOURS. *s. d.*
Notice 1 0
Certificat 1 0
Présence du Régistrare 5 0

7 0

PAR LICENCE.

Notice 1 0
Certificat 1 0
Licence 10 0
Ministre Dissident 5 0

17 0

PAR NOTICE AU RÉGISTRARE.

s. d.
Notice 1 0
Certificat 1 0
Ministre Officiant 5 0

7 0

NOTICE.—A.

Notice de Mariage faite au Régistrare de Guernesey, à son Office, au Greffe.

Je vous préviens, par la présente Notice, que c'est mon intention, et celle de l'autre partie ci-après dénommée et décrite, de célébrer notre Mariage l'une avec l'autre dans le courant de trois mois qui suivront la date de cette Notice ; c'est-à-dire :—

Noms.	Condition.	Profession ou Métier.	Demeure.	Depuis quand y a demeure.	Eglise ou Edifice où le Mariage aura lieu.	Age.	Résidence des Parties, lorsqu'elles ne demeurent pas dans ce Bailliage.
Philippe Vibert	Veuf	Contre-maitre de Navire	Rue de la Fontaine.	Quinze Jours.	Eglise de la Ville.	Age. Majeure.	Jersey
Marie Brouard.	Fille		St. Pierre du Bois	Plus d'un Mois.		Mineure.	

Signé par Moi, le Six Mai 1837.

PHILIPPE VIBERT.

1840.

CERTIFICAT.—B.

Certificat du Régistratre.

Je, CHARLES LEFEBVRE, Régistratre du Bailliage de Guernesey, certifie que le 6 Mai notice me fut donnée, et entrée dans le Livre des Notices de Mariages de ladite Ile, de l'intention des Parties y dénommées et décrites de contracter Mariage ensemble, et cela sous la main de PHILIPPE VIBERT, une desdites Parties ; c'est-à-dire :—

Noms.	Condition.	Profession ou Métier.	Age.	Demeure.	Depuis quand y a demeuré.	Eglise ou Edifice où le Mariage aura lieu.	Résidence des Parties, lorsqu'elles ne demeurent pas dans ce Bailliage.
Philippe Vibert	Veuf	Contre-maitre de Navire	Age Majeure.	Rue de la Fontaine.	Quinze Jours	Eglise de la Ville.	Jersey
Marie Brouard.	Fille		Mineure.	St. Pierre du Bois	Plus d'un Mois		

La date de la Notice entrée est du 6 Mai 1837.

La date du Certificat donné en conséquence est du 27 Mai 1837.

La livraison de ce Certificat n'a été empêchée par nulle personne autorisée à y mettre empêchement.

En témoignage de quoi je signe, ce Vingt-Sept Mai, Mil Huit Cent Trente-Sept.

(Signé)

CHARLES LEFEBVRE, Régistratre.

N.B.—Ce Certificat sera nul et de nul effet, si le Mariage n'est célébré au plus tard, le Six Août 1837.

LICENCE.—C.

Licence de Mariage.

CHARLES LEFEBVRE, Régistratre à Guernesey, à PIERRE VIBERT, de Jersey, et à MARIE BROUARD, de St. Pierre-du-Bois, en l'île de Guernesey. Salut.

D'autant que c'est votre intention de contracter Mariage suivant les dispositions de l'Ordonnance de la Cour Royale du _____, passé en vertu de l'Ordre de Sa Majesté en Conseil du _____, et que vous désirez qu'il soit célébré promptement et publiquement ; et d'autant que vous, Pierre Vibert, avez fait et souscrit une déclaration, portant que, du meilleur de votre croyance, il n'y a pas aucun empêchement de parenté ou d'alliance, ou autre empêchement légal audit Mariage ; et que vous avez eu votre demeure ordinaire, durant les quinze jours derniers, dans la Ville de St. Pierre-Port en l'île de Guernesey ; comme aussi que vous, Pierre

Vibert, êtes d'âge majeure, et que Marie Brouard, qui n'a pas atteint l'âge de vingt ans, a obtenu le consentement de son père audit Mariage, je vous donne par ces présentes, en vertu de l'autorité dont je suis revêtu par ladite Ordonnance, Licence plénière de procéder à la célébration dudit Mariage, à condition néanmoins que ledit Mariage soit célébré publiquement dans la Chapelle Ebénézer, ou autre édifice dûment licencié pour la célébration des Mariages, en ma présence et celle de deux témoins, dans le courant de trois Mois, à compter du Sept Mai 1837, entre les Huit et Douze heures du Matin.

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Donné sous ma main, ce ——— 1837.

CHARLES LEFEBVRE, Régistrnaire.

(Enregistré sur les Records le 22 Mai 1841.)

AT THE COURT AT BUCKINGHAM PALACE

the 8th of May 1841

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Loi sur les Successions en l'île d'Auregny Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and its Dependencies and Jersey, dated the 3rd of this instant, May, in the words following, viz. :—

“Your Majesty having been pleased by Your Order in Council of the 1st of April last to refer unto this Committee the Humble Petition of the States of the Island of Alderney, setting forth :—That Your Majesty was pleased by Your Order in Council of the 13th of July 1840 to sanction changes in the Laws of Succession and Inheritance in the Island of Guernsey :—That the Island of Alderney in all matters of Succession and Inheritance followed, and is still subject to the Laws of Normandy so amended, and that from time immemorial the laws on those points in the Island of Guernsey were, with few exceptions, also those of Alderney :—That the Petitioners conceive it desirable to continue, with Your Majesty's sanction, the assimilation of laws in the two islands so far as

1841.

the wants of the inhabitants of both agree :—That the Petitioners with that view obtained a copy of those changes, and referred the same to a Committee in October 1840, and took the report of the said Committee into consideration on the 18th of January following, having previously given publicity of their intention of praying Your Majesty's sanction to such of those changes which the lapse of time and the altered state of society necessitate :—That the Petitioners after mature consideration adopted the most part of the changes in the Laws of Succession and Inheritance now in force in Guernsey, which are embodied in a Project annexed hereto :—That in the Project thus humbly submitted, three Sections are left out from that of Guernsey, namely the 8th and 9th specially referring to the Town of St. Peter-Port in that island, and the sixth, from the difference of the partition of lands in the two islands, those of Guernsey being principally in farms, and those of Alderney partly in small enclosures, and those lands in large enclosures, from the minute subdivision thereof, the sixth clause, the Petitioners humbly conceive, could not with advantage to the inhabitants be made applicable to the said Island ;—and lastly, that the Petitioners would prefer to continue the immemorial practice of the said Island in fixing the Préciput or Heirship of the eldest son to Seventeen Perches, and not to fluctuate from fourteen to twenty-two, as it appears was by the 5th clause of the Guernsey Project, and by the new law still is the case in that island :—And humbly praying for themselves, and on behalf of the inhabitants of Alderney, that Your Majesty may be graciously pleased to approve and sanction the changes in the Laws of Succession and Inheritance proposed in the annexed Project, and also to order that such changes shall in future have force of law in Alderney.

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“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of reference, have this day taken the said Petition and Project of Law into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and sanction the changes in the existing laws of Succession and Inheritance within the said Island of Alderney, as proposed in the said Project, and to order that such changes shall in future have force of law within the said Island.”

HER MAJESTY, having taken the said Report into consideration, was pleased by and with the advice of Her Privy Council to approve of what is therein proposed, and to sanction the changes in the laws of Succession and Inheritance proposed in the said Project of Law (copy whereof is hereunto annexed) and to order, as it is hereby ordered, that such changes shall in future have full force of law within the said Island of Alderney. And Her Majesty doth hereby further direct that this Order, together with the aforesaid Project of Law, be entered upon the Register of the said Island and observed accordingly. Whereof the Lieutenant-Governor or Commander in Chief for the time being, the Bailiff and Jurats, and all other Her Majesty’s Officers in the Island of Guernsey, and the Judge and Jurats and all other Her Majesty’s Officers for the time being in the said Island of Alderney, and others whom it may concern are to take notice hereof and govern themselves accordingly.

WM. L. BATHURST.

PROJECT ADOPTED BY THE STATES OF ALDERNEY
AND SUBMITTED TO HER MAJESTY IN COUNCIL.

1.—The right of the sons to the *Vingtième* or Vingtième
abolished. twentieth part of the estate is abolished. The eldest

1841. son's right to the *Préciput* shall be continued, subject however to the modifications stated in the articles that follow.
- Successions to real property in direct line. 2.—In succession to real property in a direct line, when sons and daughters succeed together, they shall share, after the *préciput* of the eldest son has been taken, the sons two-thirds, the daughters one-third ; excepting in cases where, by this method, the portion of a son would exceed double that of a daughter, in which case the portions of the sons shall be reduced to double the portion of each of the daughters ; excepting also in cases where, by this method, the portion of a daughter would exceed that of a son, in which latter cases the sons and daughters shall share in equal portions.
- Eldership of personalty. 3.—In succession to personal property the eldership shall be one-seventh of the household furniture, after the third of the widow has been taken ; and also all family portraits, and pieces of plate or other objects, given to the father or other ancestors by public bodies.
- Youngest daughter shall make the lots. 4.—In direct succession when there shall be only daughters to share, the youngest one will make the lots, after which they shall choose according to seniority.
- Préciput. 5.—The *Préciput* or Heirship of the eldest son shall be of seventeen perches as heretofore ; but should the enclosure or enclosures upon which the eldest son takes his *préciput* contain more than seventeen perches, in that case the eldest son shall remunerate his coheirs for the value thereof (the *préciput* excepted) according to an estimate that shall be made by the douzeniers of the Island.
- Eldest son shall bring back for division the value of *préciput* already taken on estate of his first deceased parent before taking *préciput* on estate of surviving parent, &c. 6.—The eldest son shall take no *préciput* on the estate of the survivor of his father or mother, unless he have caused a valuation to be made by the douzeniers of the Island, of the *préciput* already taken by him on the estate of his first deceased parent, at the period when he took it ; and he shall bring back

the said value that it may be divided, if he intends taking the second *préciput*; the valuation shall be made by the said douzeniers both in rents and in money, so that the eldest son may have the choice to bring back the value in either way. If the value be brought in rents, those rents shall be assignable during forty years, in the same manner as all other rents created to equalise lots among coheirs. A grandson who shall have already taken a *préciput* on the estate of his father and mother may always take, in the succession of a grandfather or grandmother, the *préciput* to which his father (if he was the eldest son) would have had a right, in the same manner and on the same conditions with respect to the coheirs of his said father. And it shall be optional with him to divide it with his consanguine brothers or sisters, or to keep it himself, on bringing back the value of that which he already possesses.

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7.—Married daughters shall have a right to share in the successions of their father and mother, provided they bring back to the division the capital they may have received from the parent whose succession is about to be shared. But it shall always be optional with them to retain their capital, and refuse to share in the succession.

Married daughters may share in succession of parent on bringing back dowry.

8.—In collateral successions to *propres*, neither males nor their descendants shall exclude females or their descendants; but the relatives of both sexes belonging to the line whence the property descends shall divide the estate by branches, in the same proportion as in succession in the direct line.

Collateral successions to *propres*.

9.—In collateral successions to personal property and purchased real property, neither males nor their descendants shall exclude females nor their descendants in parity of degree; but the nearest of kin to the deceased in parity of degree, both males and females, shall share the property in the same proportions as

Collateral successions to personal and purchased real property.

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property of this nature, whether personal or real, would be shared in successions in the direct line ; and representation of degree shall be allowed when nephews and nieces shall come to the succession of an uncle or aunt with the brothers and sisters of the deceased, and not otherwise ; in which case the said nephews and nieces shall subdivide among themselves, in the same manner, that portion of the succession which would have fallen to their father or mother had he or she been alive.

Ascending successions.

10.—Ascendants, having no descendants living, shall inherit the personal property and purchased real property of the last of their descendants. In ascending successions, the father shall be preferred to the mother, and the paternal to the maternal line, in parity of degree. In the same cases as above, the ascendants shall also inherit respectively the inherited real property of their line only. The father shall, in all cases, have the right to take from the estate of his child deceased without descendants such advances in anticipation of his own death as he may have made him, and for which he has obtained an acknowledgment in writing or an Act of Court stating the advance so made.

Powers of willing real property.

11.—Every person leaving no descendants shall be at liberty to dispose by will, or by gift to take effect at his death, of the whole of his purchased real property ; and also in the same manner of his inherited real property : provided he have no relatives in the second degree, exclusively, belonging to the line whence that inherited real property has been derived.

Wills of realty and personalty shall be distinct.

12.—The will of the real property shall be made distinct from that of the personal property.

Formalities requisite for wills of realty.

13.—Every instrument giving real property to be enjoyed at the donor's death, and every legacy of real property, shall be signed by the donor or testator, in the presence of two Jurats of the Court, or before the

judge and two Jurats in the case of a wife under coverture, whose oath shall be required. The instrument, thus authenticated, may nevertheless be changed or modified at any time by another similar instrument ; it may even be destroyed without any formality by the donor or testator.

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14.—Every will of real property may be deposited by the testator himself at the Greffe of the Court, on paying two shillings and sixpence to the Greffier. The testator may require the will to be put under a sealed envelope, in which case this envelope shall be put in the presence of the Greffier, who shall assure himself that the instrument thus secured is really the will of the party depositing it. This will shall at any time be delivered up, without payment, on the demand of the testator.

Wills of realty may be deposited at Greffe.

15.—Any person shall be at liberty to obtain permission from the Court of the Island, on furnishing proof of the decease of an individual, to examine at the Greffe whether the deceased had deposited there a will. For the reading of which will, should any be found, the Greffier shall charge two shillings, after which any person may have the will read on paying one shilling to the Greffier.

Permission of Court to search at Greffe for will on proof of decease.

16.—After the decease of a testator the legatees, or one of them, shall obtain permission from the Court of the Island to cause the will to be registered on the book of contracts, which permission shall be granted after proof of the said decease, without prejudice to the rights of others.

After decease of testator will shall be registered.

17.—After the registration of a will, the Greffier may give copy thereof to any one, as of a contract, and at the same cost ; but the original shall always remain deposited at the Greffe.

Greffier may deliver copies of wills registered.

18.—In the event of a universal legacy—that is to say, when the testator shall have given to one or several persons the whole of his real property dis-

Universal or residuary legatees of realty have seizin thereof on death of testator.

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posable by will, or the residue thereof if there are other legacies, the universal or residuary legatees shall be entitled to take possession of the entire real property disposable by will, without being obliged to ask delivery thereof from the heirs.

Legatees
à titre universel
shall not have
seizin.

19.—Universal legatees—that is to say, those to whom the testator shall have bequeathed a given share of the real property which the law allowed him to dispose of by will, shall be bound to ask the division thereof from the heirs or residuary legatees, as the case may be ; which latter shall be entitled to seize or possess themselves of the property.

Special legatee
shall demand
legacy from
heirs or
residuary
legatees.

20.—The special legatee—that is to say, one to whom a definite object shall have been bequeathed, shall be bound to ask the delivery thereof from the heirs or residuary legatees, as the case may be.

Charges to
which special
legatee is
liable.

21.—The special legatee shall not be liable to anything beyond the real charges to which the property bequeathed to him was specially held, unless the other properties of the estate should be insufficient to pay the testator's debts.

Charges to
which
universal
legatee is
liable.

22.—Universal legatees shall be liable, in connection with the heirs or residuary legatees, for their proportion of such real charges as are due on the whole estate generally, and to which no separate part thereof is specifically liable. They shall in the same manner be liable for their proportion of the excess of personal debts, after all the personal property of the estate has been applied to the discharge of the same.

Legatee shall
deliver copies
of his title to
rentholders,
&c.

23.—Within six months from his being put in possession, the legatee shall deliver to each of the rentholders, to which the property bequeathed to him is indebted, a copy under the seal of the Court of the will, or of the part thereof that concerns him. If he is not the sole universal or residuary legatee, he must deliver a copy, thus authenticated, of the *bille de partage* or other documents, correctly defining the

part of the estate bequeathed to him and the debts due upon it. In default of his doing so within the said period, the heirs, in order to discharge themselves of their responsibility towards the rentholders, may make the delivery of the said instruments, and in that case shall recover all the expenses they may be at, and half the amount thereof besides, from the legatee. The rentholders themselves may also, after the same period, procure the said instruments and exercise the same right of recovery against the legatee.

1841.

24.—The right of redemption is abolished with regard to all real property disposed of by judicial public auctions.

Right of redemption of realty sold by judicial public auction abolished.

25.—A married woman shall have no hypothecation for her dower on any part of the estate of her husband's ancestor (notwithstanding he may have consented to the marriage), unless the said ancestor have expressly granted her the said hypothecation by a special judicial contract.

Dower of wife on estate of husband's ancestor.

26.—A mother, in the same manner as a father, shall not be at liberty to give by will to one child more than to another. Fathers and mothers may order the proportion of their married daughters to be placed in trust, and the dividends to be paid to such daughters during their coverture; well understood that if they survive their said husbands, the capital shall be transferred to the said daughters, and that if they die before their husbands, the capital shall be transferred to their heirs, unless the said daughters should, in cases where this is allowed, have willed away the said capital.

Parents may not give by will to one child more than to another. Share of married daughters' property may be placed in trust, &c.

27.—Articles first and second shall not apply to families in which the eldest of the children, living at the opening of the succession, shall have attained the age of fourteen years when the present law is promulgated. Article six shall not apply to eldest sons having attained the age of fourteen years at the said period.

Application of Articles 1, 2, and 6, limited.

1844.

(Enregistré sur les Records le 29 Juin 1844.)

AT THE COURT AT BUCKINGHAM PALACE
the 19th of June 1844

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &C.

(Report of the Right Honourable the Lords of the
Committee of Council for the Affairs of Guernsey
and Jersey, dated the 18th June 1844) :—

Impôt.

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to sanction and allow the States of the Island of Guernsey to levy, for the space of six months from the 31st August next, a duty of One Shilling per Gallon on Spirituous Liquors consumed in the said island, upon condition that the £1,000 mentioned in the said petition as proper to be set aside for the purpose of being hereafter applied to the improvement of the Harbour of St. Peter's-Port, and any other surplus which may remain from the collection of the said duty, after providing for the College and Parochial Schools, shall be strictly appropriated to the redemption of the Public Debt, as proposed in the said Billet d'Etat, and to no other purpose. Whereof the Lieutenant-Governor of the Island of Guernsey, the States of the said island, and all other Her Majesty's subjects are to take notice and govern themselves accordingly.*

C. GREVILLE.

(Enregistré sur les Records le 6 Juillet 1844.)

AT THE COURT AT BUCKINGHAM PALACE
the 19th day of June 1844

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &C.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and

* L'impôt fut renouvelé sous les mêmes conditions que dessus tous les six mois jusqu'à l'Ordre en Conseil du 1er Mars 1849, enregistré sur les Records le 24 Mars 1849, par lequel il fut renouvelé pour l'espace de 15 ans.

Jersey, dated the 18th of this instant June, in the words following, viz. :— 1844.

“Your Majesty having been pleased by Your Order in Council of the 23rd of May last to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—‘That there being no local law to authorise the detention in the Island of witnesses in criminal prosecutions,’ the Court of Chief Pleas, at a meeting held on the 22nd January 1844, passed an Ordinance, subject to the approval of the States and the confirmation of Your Majesty, to supply the said defect as follows :—

‘La Cour, sensible combien il est essentiel à l’administration de la justice criminelle qu’il soit loisible aux Officiers de la Reine de pouvoir détenir dans l’île pendant un temps suffisant pour son examen, récolement et confrontation, un témoin nécessaire qui serait sur son départ, a ordonné, ouïes les conclusions des Officiers de la Reine :—

Procédures
criminelles.

‘1.—Que dans tous les cas d’accusation criminelle il sera loisible aux Officiers de la Reine de suivre l’accusé en tous temps et devant toute cour composée du Président et de deux Jurés pour le moins pour l’obliger à choisir un Conseil.

‘2.—Qu’en cas de félonie les Officiers de la Reine seront autorisés à obliger un témoin nécessaire, étant sur son départ, de rester trois jours dans l’île, à compter du jour de la constitution du prisonnier, afin d’être examiné provisoirement à futur, et pourra ledit témoin dans ce cas être récolé et confronté avec le prisonnier le même jour, et immédiatement après avoir été examiné.

‘3.—Que l’interrogatoire sera donné au conseil du prisonnier dès que les témoins des Officiers de la Reine auront été examinés à futur.

‘4.—Que les dépositions des témoins seront données au conseil du prisonnier le matin du récolement et confrontation.’*

“That much inconvenience and delay, resulting from prosecutions for the breach of local police laws,

* Rappelé par un Ordre en Conseil du 13 Aout 1877, enregistré sur les Records le 30 Aout 1877, lequel ratifie un Projet de Loi intitulé “Loi par Rapport aux Procédures en Crime.”

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having to be made only in term and before a Court composed of the Bailiff and at least seven Jurats, the said Court of Chief Pleas on the said day, 22nd January 1844, passed another Ordinance subject also to the approval of the said States and the confirmation of Your Majesty authorising, *inter alia*, such prosecutions to be made at all times whether in or out of term, and before any Court composed of the Bailiff and two or more Jurats, provided that the maximum of the fine stated in the violated law did not exceed 30 livres Tournois or £2 2s. 10½d. sterling ;—as follows :—

Procédures
pour infraction
d'Ordonnances

‘ La Cour, ayant pris en considération le Rapport du Comité nommé par la Cour en Chefs Plaids le 24 Avril 1843 pour examiner la manière de procéder relativement à ceux qui enfreignent les Ordonnances, et qui d'après la loi actuelle ne peuvent être légalement suivis que dans les termes et devant la Cour Criminelle composée du Président et de sept Jurés pour le moins, a ordonné, ouies les conclusions des Officiers de la Reine :—

‘ 1.—Qu'à l'avenir il sera loisible de suivre toute infraction d'Ordonnance en aucun temps, soit dans ou hors des termes, devant une Cour composée du Président et de deux Jurés pour le moins, pourvu que le maximum de l'amende portée dans l'Ordonnance n'excède pas £30 Tournois.

‘ 2.—Le délinquant dans les vingt-quatre heures qui suivront le service de l'ajour, sera tenu de payer le minimum de l'amende avec les frais de l'ajour et port au Sergent de la Reine, faute de quoi tant les Officiers de Sa Majesté que l'accusé ajourneront leurs témoins sur le champ, pour être entendus au jour indiqué dans l'ajour envoyé par lesdits Officiers de Sa Majesté au délinquant.

‘ 3.—Dans le cas que le poursuivi ne réponde pas sur le premier ajour, l'appointement de ‘ vers arrêt et aux frais ’ sera pris, et le poursuivi, s'il veut plaider par la suite, ne pourra le faire qu'en payant tous les dépens du passé.

‘ 4.—Que toute amende adjudgée sera payée sur le champ, sur peine d'emprisonnement d'autant de jours que de livres tournois adjudgées.

‘ 5.—Qu'en cas que la Cour condamne l'infracteur

aux frais et journées de témoins, il sera tenu de les payer, ainsi que l'amende, sur le champ. 1844.

‘6.—Que les amendes seront applicables moitié à Sa Majesté et moitié au délateur, au lieu d'être applicables comme dans les susdites Ordonnances, à quoi recours.’*

“That the term, within which personal actions and suits relating to personal property may be instituted in Guernsey, extending to thirty years, and it appearing that the interests of justice, the security of all classes, and especially the protection due to heirs, would be greatly promoted were the said term considerably abridged; the said Court of Chief Pleas, at a meeting held on the 11th April 1836, passed an Ordinance reducing to Ten Years the term within which actions in personalty on simple contract, and without specialty, may be instituted; the said term to reckon from the 1st June 1836, with regard to all debts or demands created subsequently to that date, and barring by the lapse of ten years from the said day, 1st June 1836, all right of action for debts or demands created antecedently thereunto, and which under the existing law might have more than ten years to run out, as follows :—

‘La Cour a ordonné provisoirement, ouïes les conclusions des Officiers du Roi :—

‘1.—Qu’à compter du 1er Juin 1836 toute demande mobilière par après créée, et pour laquelle il n’y aura ni reconnaissance par écrit, ni Acte de Cour non-périmé, sera prescrite après dix ans de sa création. Prescription mobilière.

‘2.—Que les prescriptions commencées, et pour le complètement desquelles il faudra encore au-delà de dix ans à compter du 1er Juin 1836, seront accomplies par le laps de dix ans à compter dudit jour ;

* Rappelé par un Ordre en Conseil du 13 Août 1877, enregistré sur les Records le 30 Août 1877, lequel Ordre ratifie un Projet de Loi intitulé “Loi par Rapport aux Procédures en Crime.”

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‘Et ne déroge cette Ordonnance aux prescriptions annales portées dans le 29e Chapitre du Livre VIII de Terrien.’

“That the said three Ordinances having been submitted to the States of Guernsey, at a meeting held on the 27th March 1844, the said States unanimously approved of the same, and resolved that they should be submitted to Your Majesty in order that, if approved by Your Majesty, they might receive Your Majesty’s most gracious confirmation, and thereupon have force of law in Guernsey. And humbly praying that Your Majesty may be graciously pleased to confirm the said three Ordinances, and to order that they shall thenceforth have force of law in Guernsey.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, this day took the said Petition and three Ordinances of the 22nd June 1844 and 11th August 1836 into consideration, and agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said three Ordinances.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, that the said three Ordinances passed by the Court of Chief Pleas in the Island of Guernsey, and approved by the States of the said island, be approved and ratified accordingly. Whereof the Lieutenant-Governor of the Island of Guernsey, the States of the said island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

WM. L. BATHURST.

(Enregistré sur les Records le 27 Décembre 1844.)

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AT THE COURT AT WINDSOR
the 13th of December 1844

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board, a ^{Réforme des} report of the Right Honourable the Lords of the ^{Etats.} Committee of Council for the Affairs of Guernsey and Jersey, dated the 7th day of this instant, December, in the words following, viz. :—

“Your Majesty having been pleased, by your Order in Council of the 23rd of August 1843, to refer unto this Committee the humble petition of the States of the Island of Guernsey, setting forth :—That the general affairs of the island of Guernsey are managed by a local assembly denominated the States, consisting of the Bailiff and Jurats of the Royal Court, the Rectors of the parishes, the Queen's Procureur, and the Constables and Douzeniers of all the parishes :—That in assemblies for the election of Jurats and of the Prevost or Sheriff, each individual member has a vote, but in matters of administration the Constables and Douzeniers have collectively but one vote for each parish, which is delivered at the meeting by one of the Constables :—That the constitution of the States has, with some very slight alterations, existed in its present state since the commencement of the seventeenth century :—That in consequence of the unequal pressure of the rates on the parishes relatively, the country parishes in 1758 petitioned His then Majesty in Council for a change in the rates, which petition however led to no final result :—That the question of the rates and representation has at various times since then, but especially within the last few years, been the subject of much discussion, the town and parish of St. Peter-Port demanding an increase of repre-

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resentation on the ground of its increased population and wealth :—That the States, after several deliberations thereon, referred the matter to a Committee, and, having taken all the means in their power to ascertain the wishes of the inhabitants, they on the 9th June 1843, by a very large majority, adopted the project of reform herewith transmitted :—That the States humbly beg to state that the said project has been temperately proposed, maturely discussed, and considerately adopted ; and that all parties have made mutual concessions in order to bring their differences on this question to an amicable termination ; and therefore praying that Your Majesty in Council may be graciously pleased to approve and sanction the changes in the constitution of the States proposed in the said project, and to order that the said project shall in future have force of law in the said island. And Your Majesty having been pleased by a further order of the 13th December 1843, also to refer unto this Committee the humble petition of several inhabitants, all of the island of Guernsey, and chiefly of the town and parish of St. Peter-Port in the said island, setting forth :—That the Petitioners respectively possess lands and personal property in the said island, and also personal property out of the said island in the United Kingdom and elsewhere :—That the States of the said island of Guernsey, assembled on the 30th day of June 1843, did adopt a Billet d'Etat containing an entirely new system ;—first, for the levying of rates for general purposes upon the estates and properties of the inhabitants of the said island, of whatever nature and in whatever country situate ;—secondly, for making all such estates and properties answerable for the payment of the public debt of the island at all times when payment shall be required ;—and thirdly for a new system of representation of the community in the said States

when assembled in their deliberative and elective capacity—and that the said States have since addressed Your Majesty in Council for the purpose of obtaining the ratification of the said Billet d'Etat, by Your Majesty in Council, in order to give it force of law :—That four of the Petitioners, namely, James Carey, John Le Marchant, Thomas W. Gosselin, Esqs., Jurats of the Royal Court in the said island, and Rev. Daniel Dobrée, Rector of the parishes of the Forest and Torteval in the said island, as members of the said States, as well as other members of the said body, did, on the 30th June 1843, oppose the adoption of the proposed Billet d'Etat, and they, in common with the other Petitioners, humbly address Your Majesty in Council in order to obtain the reversal or alteration of the 2nd and 3rd Articles of the said Billet d'Etat, and such order upon these and the remaining articles of the said Billet d'Etat as to Your Majesty in Council should seem meet :—That state or general taxes have been raised on different occasions for the erecting of bulwarks, storehouses, coast defences, and such like objects, which solely benefit and protect the local property of the said island :—That the States of Guernsey, by the adoption of the second Article of the said Billet d'Etat, have entirely set aside the ancient principles of state or general taxation in the said island, which have been sanctioned by numerous precedents, namely,—first, that the estates and properties within the said island should alone be assessed and chargeable for the payment of such state or general taxes and public debt, and secondly, that in the levying of such taxes the town or parish of St. Peter-Port should be assessed for one-third and the country or remaining parishes for the two other thirds of the amount required :—That in particular the States of Guernsey have departed from the principle of taxation laid

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down in the 18th Article of the Ordinance of the Royal Court of 30th April 1821, which distinctly recognises the ancient mode of taxation, now set forth by the Petitioners, in the following terms :—‘ All real property in this island belonging to natives of the said island or to strangers, even though one and the other be without domicile in the said island, is subject to taxation for general and state taxes :’— That the Petitioners altogether deny the right of the States to tax the property of the Petitioners and the other inhabitants of Guernsey situate in the United Kingdom or elsewhere out of the said island for state or general purposes, or to make the same chargeable with, or answerable for the payment of the public debt of the island :—That several efforts have been made at different times to change the said principles of state or general taxation, but such attempts have always been discountenanced, and the principle of internal taxation has hitherto been strictly followed :— That when, in the year 1813, it was proposed to levy a general tax upon principles somewhat similar to those contained in the present Billet d’Etat, the States of Guernsey, in order to do away as much as possible with general or States taxation, presented a Petition to the Prince Regent in Council, dated 11th September 1813, praying the right of raising a duty of one shilling a gallon on all spirituous liquors retailed and consumed in the island, the produce of which duty was to be appropriated to the liquidation of the expenses voted, and thus supply the necessity of state taxation :—That this Petition was granted by Order in Council of 23rd July 1814, for the express purpose of avoiding if possible state taxes, and the right of raising this duty had been from time to time renewed upon subsequent petitions of the States ; in consequence of which duty no state taxes have been asked for or required by the States

of Guernsey since that time, and moreover all sums obtained from this duty have been applied to objects for which, in default of said duty, general rates would have been levied :—That on the third Article of the said Billet d’Etat, which attempts to establish the liability of all property, whatever and wheresoever possessed by the inhabitants of the said island for the payment of the actual debt of the States, (now exceeding £90,000), the Petitioners would further respectfully submit that this present debt having been created under the old system, and the local estates and properties of the inhabitants of the country parishes being indisputably liable for two-thirds and those of the inhabitants of St. Peter-Port parish for the remaining one-third of the said debt, it is illegal and unjust to extend and in a great measure to transfer (by a retroactive enactment) that liability which all admit, and of which all were aware when the debt was created, from the country parishes to the property real and personal of the inhabitants of the whole island wherever situated, which property has never been liable for the said debt :—That the Petitioners forbear making any remarks upon the remaining articles of the said Billet d’Etat which contain many objectionable points, such as the very low qualification required for members of the Douzaines, and the increase of voters in the elections of Jurats ; but at the same time they humbly submit to Your Majesty in Council that should any changes in the representation in the States and the mode of election in the island (of the nature of those contained in the remaining articles of the said Billet d’Etat) be deemed necessary and proper, they trust these changes will not be allowed to affect the established principle of state taxation, but that Your Majesty will maintain and confirm the precedents sanctioned by Your Majesty’s

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Predecessors in Council thereon ; and therefore humbly praying that the second and third Articles of the deliberation of the States of Guernsey, on the 30th June 1843, may be reversed, and that the other articles of the said deliberation may be varied or altered, and such other order made thereon by Your Majesty in Council as to Your Majesty shall seem meet. And a petition of John Guille, Esq., Bailiff of Guernsey and President of the States, of Hilary-Olivier Carré, Thomas-Fiott De Havilland, and Thomas Andros, Esqs., Jurats of the Royal Court, and of Charles De Jersey, Esq., Her Majesty's Procureur or Attorney General in the island, having been addressed to Their Lordships setting forth :—That on the 9th, and finally on the 30th June 1843, the States of Guernsey agreed to the project of reform of the rates and representation in the island, set forth in the Billet d'Etat of the President of the States, dated 23d June 1843, transmitted to Your Majesty in Council, with a petition praying Your Majesty's confirmation of the said project in order to the provisions thereof passing into law :—That a petition dated 6th December 1843, of James Carey, Esq., and others including the said John Le Marchant and Carré William Tupper, had been addressed to Your Majesty in Council, praying that the second and third Articles of the deliberation of the States of the 30th June 1843 may be reversed, and that the other articles of the said deliberation may be varied or altered, which petition the Petitioners were informed had been referred to their Lordships :—That on the 29th December 1843, the States appointed the Petitioners a Committee charged, in the name of the States to support their petition for the confirmation of their project of reform before Your Majesty, with power to send one or more Deputies to London to uphold the interest of the States, and to take all the measures

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which shall appear necessary for obtaining the re-jection of the pretensions of the opponents of the said reform, the whole thereof at the expense of the States : That the Petitioners against the said reform are among those of the inhabitants of the island who are the largest holders of French and Foreign as well as British Funds, and that though they admit by their petition the ancient principle of state or general taxation to be,—that the estates and properties within the island, and, as they allege, those alone, should be assessed and chargeable for state or general taxes and public debts,—they deny the right of the States to tax their funds for such objects ; in other words their pretension is, that their money in such funds is not property within the island, and that they, as domiciled in it, are not liable to be taxed there in respect of such their property, a pretension the Petitioners believe totally groundless and untenable :—That mis-statement is made in the opponents' petition in asserting, that the project of reform adopted by the States contains a system for the levying of rates for general purposes upon the estates and properties of the inhabitants of the island, “of whatever nature and in whatever country situate ;” whereas the fact is that, by the second Article of the Billet d'Etat, such rates or general taxes are to be apportioned and raised in an uniform manner, according to the principle laid down in the Ordinance of the Royal Court of 30th April 1821 “upon all the personal property of the inhabitants” domiciled in the island and paying tax, “of whatever nature and in whatever country such personal property may be situate,” and “upon the real property in the said island, and in the islands of Herm and of Jethou,” whether the proprietor of such real estate have or have not a domicile in the said islands ; real property in the United Kingdom, or elsewhere out of the island, being thus obviously not

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included by the project of reform :—That another misstatement in the said opponents' petition consists in putting forth the eighteenth Article alone of the Ordinance of 30th April 1821, as follows :—“ All real property in this island belonging to natives of the said island or to strangers, even though one or the other be without domicile in the said island, is subject to taxation for general purposes,” as if it recognised, as the ancient mode of taxation for general purposes, that property, or even further that real property, within the island, should alone be taxed, inferring from thence that the States, in the project of reform, by including funds or other property not within the island as taxable in the island for such purposes, had departed from that principle ; whereas, as will be seen by the entire Ordinance hereto appended, its object, as the preamble expresses, was to define and declare the mode of taxation in the island on property, real and personal, and also to define and declare the domicile upon which such taxation was to follow ; marking as an exception in regard to real property, in the article quoted, that such property was to be taxed so far as related to taxes for general purposes, whether the owner thereof had or had not a domicile in the island ; the ordinance in question it is clear not bearing out, but negativing, the inference sought to be conveyed. That the ordinance sets forth the principles of the ancient custom of taxation, with the express view of rendering the practice uniform throughout the several parishes ; all taxes raised in the island being assessed and collected in and by parishes, as well the state taxes, those for general purposes, each parish contributing to them its quota in reference to the other parishes, as also the parochial taxes in the limited sense :—That the said opponents stating in their Petition their ground of objection, altogether deny the right of the States to tax their “ Property ” and that of

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the other inhabitants of Guernsey situate out of the said island for state or general purposes ; thus confusing, by an indefinite statement, property of each description, real and personal, and giving a plausibility to their case which it does not possess when the due distinction is made ; the fact being, as has appeared from the preceding statement, that the States by the project of reform do not tax real property out of the island, but do tax individuals domiciled in it, in respect of their personal property there and elsewhere :—That by the project of reform real property in the island is taxed, whether the owners of it be domiciled or not, and real property not in the island is not taxed, though the owners of it be domiciled in the island ; and likewise as to personal property in or out of the island, the owners thereof domiciled in the island, and such only, are taxed in respect of it upon one and the same principle, not confined to Guernsey, that real property is governed by the law of the place in which it is situated, and that the owner of personal property, wherever situated, is liable to be taxed for it in the place of his domicile :—That in the second Article of the project of reform the States far from adopting “ an entirely new system ” are following the principle of that anciently established, and adapting it to the change of times, each person throughout the island being made liable for all burthens of the States according to his means :—That as to the third Article, the Petitioners submit that the distinction sought to be raised between the public debt of the island and any other liability of the States is, upon the very statement of it, not to be sustained, more especially after the compact, with regard as well to representation as to rates, now come to between the town parish and the country parishes, and submitted for Your Majesty’s confirmation in the project of reform :—That in giving additional members to the States in their deliberative

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and in their elective capacity, the ancient system of representation has been adhered to as nearly as possible, and in particular the qualification for the Douzaine, objected to by the said opponents as "very low," has not been changed in the reform proposed, but remains the same, namely, the possession of property, real or personal, equal in value to thirty quarters of annual wheat rent, or to six hundred pounds sterling :—That the Petitioners abstain from going into further particulars, confining themselves to the remarks immediately arising on the misstatements in the petition of the said opponents :—That the project of reform and the petition of the States for the confirmation thereof was transmitted by the States to Your Majesty in Council, by means of the Lieutenant-Governor of the island, Major-General William Napier, and that His Excellency in forwarding the same to Your Majesty's Secretary of State for the Home Department, signified his strong approval and recommendation thereof :—That delay in obtaining Your Majesty's decision is attended with effects injurious to the island, by reason that various important matters remain in suspense awaiting such decision :—That it is the confident expectation of the Petitioners that upon consideration of the reform now submitted with or without reference to the particulars of the system of rates and representation which has hitherto prevailed, it will be considered that the project of the States is in principle cautious, just, and moderate, and as called for by the public voice, well suited to the altered circumstances of the island, and humbly praying that the said project of reform may be confirmed by Your Majesty."

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said orders of reference, did on the 2nd and 3rd of this instant and this day, take the said petitions and project of law,

together with the petition of the Bailiff and Jurats of the Royal Court of the said island (addressed to their Lordships) praying Your Majesty's confirmation of the said project, into consideration ; and having heard counsel at length, as well in support of the petitions praying Your Majesty's confirmation of the said project, as on behalf of those opposing the same, Their Lordships take leave humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve and sanction the changes in the constitution of the States of the Island of Guernsey proposed in the said project, and to order that the same shall in future have force of law in the said island, with this addition to the first clause thereof, viz. :— That every tax above the amount of one penny per quarter must not only be confirmed by a majority of the States of election, but must also receive the consent of Your Majesty in Council, and for that purpose they recommend that the following words be added to the first clause of the said project, ' And must receive the consent of Her Majesty in Council signified through one of Her Majesty's principal Secretaries of State.' ”

HER MAJESTY having taken the said report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to sanction the changes in the constitution of the States of the Island of Guernsey, proposed in the said project of the 30th of June 1843 (copy of which is hereunto annexed). And Her Majesty is pleased to order, and it is hereby ordered, that the said project shall in future have full force of law in the said island, with this addition to the first clause of the said project, viz. :—that every tax above the amount of one penny

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per quarter shall not only be confirmed by a majority of the States of Election, but shall also receive the consent of Her Majesty in Council.—And Her Majesty is hereby further pleased to order and it is hereby further ordered that the following words be added to the first clause of the said project,—“And must receive the consent of Her Majesty in Council, signified through one of Her Majesty’s Principal Secretaries of State.” And Her Majesty doth hereby further direct that this order be entered upon the Register of the said island and observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief, the States, Bailiff and Jurats, and all other Her Majesty’s Officers in the island for the time being, and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. GREVILLE.

 ACTE DES ETATS.

1.—Aucune taxe générale ne sera levée qu’après avoir été votée par les Etats de Délibération, à la majorité de deux tiers des membres présents. Sous cette condition, ils pourront lever, dans le courant de chaque année, des taxes générales jusqu’au montant, tout ensemble, d’un penni par quartier. Toute taxe qui dépassera ce montant demandera d’être confirmée par la majorité d’une assemblée des Etats d’Election, et doit recevoir la sanction de Sa Majesté en Conseil signifiée par le moyen d’un de ses Principaux Secrétaires d’Etat, anglicé “and must receive the consent of Her Majesty in Council, signified through one of Her Majesty’s Principal Secretaries of State.”

2.—Les taxes générales seront réparties d’une manière uniforme, d’après les principes posés dans l’Ordonnance de la Cour Royale du 30 Avril 1821, sur tous les biens meubles des habitants contribuables, de quelque nature, ou en quelque pays, qu’ils puissent

être ; et sur tous les héritages en cette île, et dans les îles d'Herm et de Jethou, soit que les propriétaires de ces héritages aient, ou n'aient pas d'établissement dans ces dites îles.

3.—Lesdits biens, tant meubles qu'héritages, seront responsables de la dette actuelle des Etats, toutes fois et quantes que sa liquidation serait requise.

4.—Toutes taxes votées par les Etats seront côtisées par la Douzaine de chaque paroisse, et perçues par les Connétables, de la même manière que les taxes paroissiales.

5.—Lorsqu'il sera question de lever une taxe générale, les Connétables de chaque paroisse fourniront au Trésorier des Etats une liste des contribuables dans leur paroisse, avec le montant de leurs biens, réduits en quartiers, suivant à la manière de lever les taxes paroissiales, qui devra être uniforme pour toute l'île ; et d'après le nombre total de quartiers ledit Trésorier indiquera à chaque Douzaine Paroissiale le montant qu'elle aura à lever dans sa paroisse.

6.—Comme il n'est que juste que la ville et paroisse de St. Pierre-Port, qui doit supporter la plus grande portion des contributions publiques, et qui a dans son sein plus de la moitié de la population de l'île entière, ait de suite une augmentation de voix dans les assemblées des Etats, elle aura cinq voix d'ajoutation dans les Etats de Délibération et quarante-huit voix d'ajoutation dans les Etats d'Election.

7.—A cet effet, la paroisse de St. Pierre-Port sera divisée, au dire de ses propres autorités, en quatre cantons égaux autant que possible par rapport au nombre des contribuables et au montant de leurs contributions. Chaque canton aura une Douzaine qui enverra un Député, choisi de parmi ses membres, aux assemblées des Etats de Délibération, et la Douzaine Paroissiale en enverra deux. Et seront lesdits Douzeniers de Canton, avec les Douzeniers et

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Connétables de la Douzaine Paroissiale, membres des Etats d'Élection.

8.—Chaque Douzaine de Canton sera composée de douze membres, les qualifications et les termes de service desquels seront les mêmes à tous égards que ceux des Douzeniers des paroisses. Ils seront élus par une assemblée des contribuables du canton. Les premières assemblées pour cet effet seront convoquées et présidées par les Connétables de la paroisse, et toute assemblée subséquente sera convoquée et présidée par le Doyen de la Douzaine du Canton. Et seront les personnes élues présentées à la Cour Royale par le Doyen pour être sermentées avant de pouvoir entrer en charge.

9.—La charge de Douzenier de Canton n'exemptera pas des charges paroissiales les individus qui y seront élus. Si un Douzenier de Canton devient Douzenier de Paroisse, s'il cesse à habiter le canton, ou s'il s'absente de l'île pour an et jour, il sera de suite remplacé par un autre individu.

10.—Chaque Douzaine de Canton aura la surveillance des chemins publics dans le canton en dehors des barrières, et sera présidée par le plus ancien de ses membres, auquel le Président des Etats adressera ses billets de convocation.

11.—Ces changements n'affecteront en rien la constitution ni les fonctions de la Douzaine de la ville et paroisse de St. Pierre-Port, sauf en ce qui regarde la surveillance des chemins en-dehors des barrières. Elle restera composée, comme elle est actuellement, de deux Connétables et de vingt membres ; et toute élection pour remplacement se fera, comme par le passé, par les contribuables de la paroisse en assemblée générale.

12.—La division de la paroisse de St. Pierre-Port, en cantons ne dérogera en rien à l'unité de ses habitants contribuables dans les assemblées de pa-

roisse, pour ce qui regarde les taxes paroissiales, les élections de Connétables et des autres officiers paroissiaux, et les autres affaires de paroisse, lesquelles seront, comme par le passé, réglées par lesdites assemblées.

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13.—Les Etats de Délibération seront composés de la Cour Royale et du Clergé (comme aujourd'hui) et des Députés des Douzaines, comme suit, savoir : Monsieur le Président, 1 voix ; Messieurs les Jurés de la Cour Royale, 12 voix ; Messieurs les Recteurs des paroisses, 8 voix ;* Monsieur le Procureur de la Reine, 1 voix ; Messieurs les Députés des Douzaines de St. Pierre-Port, 6 voix ; et Messieurs les Députés des Douzaines des paroisses de la campagne, 9 voix ; en tout 37 membres.

14.—Les Députés des Douzaines de paroisse, au lieu d'être nécessairement les Connétables, comme aujourd'hui, et aussi les Députés de Douzaines de canton, seront ceux que chaque Douzaine nommera d'entre ses membres, à la pluralité des voix, lors de chaque convocation des Etats ; et seront lesdits Députés tenus de livrer à Monsieur le Président, avant ou lors de l'évocation de l'assemblée, leur autorisation par écrit.

15.—Les membres des Etats de Délibération, jouiront tous dans leurs assemblées des mêmes privilèges et prérogatives. Le Président, en vertu de son office, aura la police de l'assemblée, et en réglera les procédures. Ils seront libres de discuter tous les objets soumis à leur délibération ; et pourront tous, également, proposer amendements ou modifications aux articles contenus au Billet d'Etat, aussi bien que sursis ou ajournements de l'assemblée. Tout amendement ou modification sera rédigé par écrit, et, s'il est secondé, il sera soumis par le Président à l'assemblée,

* Voir l'Ordre en Conseil du 13 Juin 1853, enregistré sur les Records le 25 Juin 1853, lequel ratifie certains Articles Supplémentaires à cette Loi.

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pour qu'elle en dispose définitivement ; pourvu toutefois qu'il ne dépasse pas l'objet de la proposition d'origine. Mais dans tous les cas où une mesure proposée aux Etats ne serait pas admise, rejetée, ou modifiée, par les deux-tiers des membres présents, elle pourra être soumise une seconde fois, dans un mois au plus tard, par le Président, s'il le voit bon, aux dits Etats, et sera alors décidée à la majorité des voix des membres présents.

16.—Le Président des Etats, sur la requête par écrit de la majorité d'un des trois corps des Etats (un Connétable de paroisse, ou un Doyen de canton signant au nom de la Douzaine, comptant pour un membre), ou de dix membres pris indifféremment dans les Etats de Délibération, sera tenu, après avoir conféré avec M. le Lieutenant-Gouverneur quant au jour de l'assemblée, de convoquer les Etats, dans un temps raisonnable, à l'effet de ladite requête ; bien entendu cependant que le sujet y soit exprimé en termes clairs et précis.*

ETATS D'ÉLECTION.

17.—Les Etats d'Élection seront composés comme suit :—

Monsieur le Baillif et Messieurs les Jurés de la Cour Royale	13
Messieurs les Recteurs des paroisses†	8
Monsieur le Procureur de la Reine	1
Messieurs les Connétables et Douzeniers de la paroisse de St. Pierre-Port	22
Messieurs les Douzeniers des cantons de ladite paroisse	48
Messieurs les Connétables et Douzeniers des paroisses de la campagne	130
Membres	<u>222</u>

* Cet Article a été amplifié par un Ordre en Conseil du 23 Juillet 1864, enregistré sur les Records le 6 Août 1864, lequel ratifie un Projet de Loi contenant deux Articles Supplémentaires à cette Loi.

† Voir l'Ordre en Conseil du 13 Juin 1853, enregistré sur les Records le 25 Juin 1853, lequel ratifie certains Articles Supplémentaires à cette Loi.

18.—Les Billets de Convocation des Etats de Délibération et d'Élection, seront à l'avenir adressés aux membres des Etats généralement ; et en fournira M. le Greffier, huit jours pour le moins avant l'assemblée, une copie à chacun des membres de la Cour et du Clergé, au Procureur de la Reine, et autant de copies aux Connétables de chaque paroisse et Doyens de Douzaine de canton, comme il y aura de membres dans leurs douzaines respectives, et une en sus pour être gardée avec les registres de chaque Douzaine.

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(Enregistré sur les Records le 1er Février 1845.)

AT THE COURT AT WINDSOR
the 13th day of January 1845

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th December last, in the words following, viz. :—

Sur deux
pétitions de la
Cour Royale
par rapport à
un différend
entre le
Lieutenant-
Gouverneur et
la Cour
Royale.

“Your Majesty having been pleased by Your Order in Council of the 13th December 1844, to refer unto this Committee a petition of the Bailiff and Jurats of the Royal Court of Guernsey, setting forth :— That the Petitioners humbly approach Your Majesty to appeal to Your Royal authority, in reference to two several matters of difference between His Excellency Major-General William Napier, Lieutenant-Governor and Commander-in-Chief of Guernsey, and the Petitioners, arising out of the expulsion from the island in August last, by His Excellency, of a man named Isidore Le Comte, a subject of His Majesty the King of the French, and upon which they now submissively proceed to enter :—That these matters

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are,—First, as to the right of the Petitioners and Jurats to speak in the conference held between the Lieutenant-Governor, Bailiff and Jurats, according to the constitution of the Island, not merely to communicate with His Excellency through their President the Bailiff as their organ, and,—Secondly, as to the authority of the Lieutenant-Governor in expelling aliens from the island, irrespectively of the jurisdiction of the Royal Court :—That Le Comte was domiciled in Guernsey, and, as the Petitioners believe, was neither suspected of any offence against the State, nor had in any way brought himself under the designation of a dangerous person in analogy with the Acts of Parliament passed for the regulation of aliens :—That soon after the expulsion of Le Comte statements appeared in the local public papers, imputing to the Lieutenant-Governor that he had exceeded his authority, and specifying the sole offence alleged against Le Comte to be his having misled the Police, in order to shield from detection another subject of the King of the French of the name of Du Rocher, whom, as it proved, the Lieutenant-Governor was seeking for the purpose of expelling, and who in fact eventually anticipated His Excellency by leaving the island :—That the immediate offence committed in Guernsey, charged against Du Rocher, was, the Petitioners believe, that of writing from thence violent improper threatening letters to a young woman in Jersey :—That the Constable of the Town parish, Albert Carey, Esq., by whose instrumentality the Lieutenant-Governor had acted, having inserted a letter in the papers which seemed to intimate that he had acted upon his own authority in expelling Le Comte, the case was thereby brought directly under the notice of the Court, and the Constable being an officer more particularly under their control, he was called on by them to account for having,

as it appeared, imprisoned that individual and sent him away, without either producing him before them, or even making to them a report of what had been done ; when the Constable justified himself as having acted under the order of the Lieutenant-Governor, submitting to the Court that he was responsible to His Excellency alone, and that without his permission he was bound to withhold from them any further information ;—That the charge against Le Comte by the said Constable at the Guernsey Gaol, in which the imprisonment took place, was not entered till about a month after the said imprisonment, the said Constable having declined to state how the Gaoler was to make the entry, both when he imprisoned and when he released Le Comte :—That the said charge then dictated by the said Constable to the Gaoler was—“annoying the said Constable in the execution of his duty,”—and that accordingly, the journal at the said gaol being kept in French, the entry was made by the Gaoler as follows :—

Date.	Prisonnier.	Officiers qui les ont amenés.	Cause.	Evènements.
1843. Juillet 31	Isidore Le Comte.	Albert Carey, écr., Connétable de la Ville.	Nuire audit connétable dans l'exé- cution de son devoir.	Relâché le 1er Août.

all which has appeared by a certificate under the Gaoler's hand :—That under these circumstances the Court felt it incumbent on them, to endeavour to satisfy themselves with regard to the exercise of such authority by the Lieutenant-Governor, in expelling Le Comte without trial :—That they had in view, in the first place to settle the question of their authority over the Constable in the particular instance, and in the next place to guard against the establishment of a precedent, tending to a collision of authority between the civil power and the military.

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The Court, therefore, as the most respectful course towards the Lieutenant-Governor, resolved to seek a conference with His Excellency, at which they might enter together into explanation on the subject, and come to a right understanding for the future : a course sanctioned by law and ancient usage, which has been at various times resorted to with most beneficial results :—That they were the more impelled to such a measure from the circumstance of Your Majesty's Law Officers in the island, who are the constituted legal advisers of the Court, and who, they are informed, had been called on by Your Majesty's Principal Secretary of State for the Home Department, to give their opinion on the Lieutenant-Governor's account to him of his proceedings touching Le Comte, not having felt at liberty to communicate to them such opinion without his consent. To this account of His Excellency's proceedings, and also to the opinion of the Law Officers in the hands of the Secretary of State, under whose consideration the Petitioners are informed the said documents are now remaining, they humbly beg leave to make reference :—That the Lieutenant-Governor was pleased to accede to the Court's request, and fixed the time and place for holding such conference, viz. : Monday, the 9th October last, at his residence, Havilland Hall. Conformably to that appointment the Court waited on His Excellency, being prepared to enter on a conference in the manner which has always been usual on similar occasions ; but the Lieutenant-Governor, to their surprise, treated the interview as an affair of ceremony and state. He was not only attended by his staff, but in the room of audience there was no seat save that he occupied. His Excellency, however, rose after the Court entered and remained standing. On the Bailiff adverting to the subject of the interview the Lieutenant-

Governor interrupted him by saying, that he had acceded to granting a conference in the case of Le Comte, sent out of the island by his authority, but that before proceeding he would state in what manner only he was willing to hold such conference ;—that as Her Majesty's representative, the highest authority in the island, he would communicate with the Court through the Bailiff alone as the organ of that body, and would not allow the Jurats individually to take part in it. He therefore desired the Bailiff to say if he was then fully prepared to deliver the sentiments of the Court :—That the Bailiff, on his replying that he could not in this manner express with certainty the sentiments of the Jurats, who in fact had not as yet the means of coming to any decision, was told by His Excellency that they had better return to their Court House, and, after they had considered the matter and were better prepared, another interview might take place :—That it was then proposed by the Bailiff that the Court, with His Excellency's permission, should retire for a few minutes into another room to consult in private :—That having thereupon withdrawn, they unanimously agreed that they could not accede to the Lieutenant-Governor's terms, which they considered unconstitutional and contrary to the spirit and intent as well as to the letter of the law :—That the Bailiff in communicating their resolution to His Excellency observed that, in accordance with the Orders in Council in force on the subject, the object of a conference was by friendly communications to bring about a right understanding, and that, in requiring that the Bailiff alone should be at liberty to speak, they must consider His Excellency to refuse the conference :—that, however, by the orders referred to, there would be an opportunity of reconsideration, forty days being allowed before having recourse to authority out of the island :—That the Lieutenant-

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Governor, repeating he would enter into no conference except as he had stated, declared the interview at an end, and the Court withdrew :—That the Petitioners would not have made allusion to the particular manner in which the Lieutenant-Governor thought proper to receive the Court, but as shewing that His Excellency misapprehended, they humbly conceive, the nature and object of a conference between him and the Court :—That with respect to the point thus raised by the Lieutenant-Governor as to the right of the Jurats to speak in the conferences, the Petitioners feel their statements may be brief, conclusive as they humbly trust these statements will be deemed :—That the conference, as it is contemplated by the law, is by no means a mere formal audience, it is more properly a private discussion for the purpose of arriving at a right view of the case after all procurable information has been duly considered :—That by an Order in Council of the 6th March 1568 it is directed—‘ That ‘ all controversies and mislikings that shall at any ‘ time hereafter chance between the Captain, Bailiff ‘ and Jurats, shall be forthwith advisedly considered ‘ at some time and place to be appointed by the ‘ Captain, where by mutual conference they shall ‘ quietly appease and reform all controversies and ‘ mislikings, so as each of them being aiding and assist- ‘ ing to the others they may not only avoid the incon- ‘ veniences and dangers that were like to follow of the ‘ contrary, but be also the better able to attend their ‘ charge and to see to the good observation of such ‘ good constitutions as shall be by them established, ‘ as well as for the good government and defence of ‘ the isle as for the continuing of the inhabitants of ‘ the same in good order and obedience, and in case ‘ any such disorder should fortune to fall out as may ‘ not be compounded and redressed amongst themselves ‘ there within the space of forty days that it shall

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‘then be lawful for any that will do the same to
‘repair over hither for reformation thereof by means
‘of the Lords and others of the Privy Council here
‘without any let or restraint :’—That according to the
practice which has been since followed whenever an
interview is appointed between the Lieutenant-Governor
and the Bailiff and Jurats, the party proposing
the meeting attends at the place named by the other
party, a proof as decisive as could be adduced of the
terms of equality upon which the meetings of the
parties are at all times to take place :—That in the
oath of the Lieutenant-Governor, which is administered
to His Excellency by the Bailiff and Jurats on his
admission into office, is as follows—‘That you will
‘keep and preserve the castles and fortresses at
‘present here committed to your custody and keeping,
‘to the use and service of our said Lady the Queen or
‘Her Heirs the Kings or Queens of Great Britain,
‘and keep and maintain in like manner the commons
‘and inhabitants of this isle in their true allegiance
‘and fidelity to Her said Majesty ; that you will also
‘preserve and support the said inhabitants of this
‘island in their rights, liberties, privileges and ancient
‘customs, and will likewise maintain the Ordinances
‘of the Court ; and if peradventure you should act
‘or do contrary to the said privileges, ancient customs,
‘and ordinances, that you will, at all times, upon
‘conference with the Bailiff and Jurats, being duly
‘informed by them, reform and redress as may be
‘found meet and reasonable :’—That by the usage
which has hitherto invariably prevailed in conferences
between the Lieutenant-Governor, Bailiff and Jurats,
the Jurats have always been admitted to speak and
to take part individually, to which fact the Bailiff and
the more ancient of the Jurats, from their own experience
as well as from what they have always heard
of the custom, are prepared to vouch :—That if the

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conferences were restricted in effect to the Lieutenant-Governor and Bailiff to the exclusion of the Jurats, the very intent of the meetings would be defeated, the same being, that all controversy should be advisedly considered between the whole of such functionaries and be by mutual conference quietly appeased and reformed, each of them being aiding and assisting to the others : and it being obvious also that the Bailiff will occasionally chance not to agree in opinion with all or some of his colleagues, whose sentiments therefore he could but imperfectly represent :—That in meetings of the States of the island, each Jurat having a vote, and the Lieutenant-Governor, though at liberty to give his advice, having none, it must be clearly advantageous to His Excellency on interviews between him and the Court, particularly when taking place at his instance, that he should be afforded the means of entering into discussion with them and of making his opinions avail, by each Jurat having the faculty of communicating his information and delivering his sentiments freely and unreservedly :—That had the Court complied with His Excellency's suggestion, that they should retire to their Court House to make up their minds on the case in question, in order afterwards to report their final resolution to the Lieutenant-Governor, it would then have obviously become a matter of indifference whether their decision was communicated to His Excellency through the Bailiff in person or by letter. Besides a resolution of that nature must, to a certain degree, have taken the form of a direct charge or complaint against the Lieutenant-Governor, a proceeding which the Court was anxious by every possible means to avoid, conformably with the spirit of the law which provides and recommends the salutary expedient of holding conferences on matters of question between them :—That the Petitioners, considering their right of speak-

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ing at all such conferences of the utmost moment in a constitutional point of view, cannot allow such a doubt to be brought upon it without at once taking measures to keep and retain it in all its integrity, and so to transmit it to their successors, and they humbly but confidently trust Your Majesty will not suffer it to be impaired in their hands :—That with respect to the other point, as to the authority of the Lieutenant-Governor over aliens, and the relative jurisdiction of His Excellency and of the Royal Court, the Petitioners proceed to shew as well the law of the island as the practice hitherto observed :—That in ancient times a rent was exacted from strangers born out of His Majesty's dominions dwelling in the island, particularly in reference to marriages between inhabitants and strangers, and this rent was counted as part of the Crown Revenues :—That accordingly in the extent of the rents, services and homages, due to His Majesty King James the First, as Duke of Normandy, in the Island of Guernsey, drawn up by Sir Robert Gardiner, Knight, and James Hussey, Doctor of Laws, and one of the Masters in Chancery, who acted under a Royal Commission dated 25th July 1607, is set forth as follows under the head 'Rents of Strangers' :—'No stranger or foreigner born out of the Dominion of His Majesty can or may inhabit or dwell in the isle without the Governor's permission : those, who for reasonable cause are licensed by the said Governor for acknowledgment of their fidelity as inhabitants or dwelling upon His Majesty's lands and under his protection, do pay by the year to His Highness's Receiver, according to their state and quality, some more some less rent which is also casual and uncertain, nevertheless in the last extent the profit thereof arising is esteemed and valued at ten pounds sterling per annum, but for many years past it has not exceeded sixty shillings per annum by the

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‘Receiver’s confession:’—That by Order in Council of the 30th June 1608 in reference to this rent, the Lords ordered as follows:—‘For ought appeareth unto us the Governor hath no authority, either by Charter or otherwise, to restrain the inhabitants from marrying of wives that are strangers or born out of His Majesty’s dominions ; moreover upon due examination we find that now and at all times heretofore the inhabitants here have married with strangers and strangers with them, and considering that by His Majesty’s and others His Highness’s most honorable progenitors, it is granted unto them that both in the time of peace and war they may lawfully and freely have trade, traffic and commerce, with strangers and strangers with them, and considering they are more near to the coast of Normandy and France (with whom they have especial and daily commerce) than they are to His Majesty’s dominions, We do therefore order that the Governor shall not for that cause hereafter at any time take any fine or yearly rent or tribute of any inhabitant of this isle whatsoever, especially during the treaty of peace, and so as the strangers being married here shall quietly and willingly submit and conform themselves to the ecclesiastical discipline and to the laws and customs of this isle by His Majesty’s authority sufficiently confirmed or established within the same, only we require that the Governor be first made acquainted therewith:’—That the said order was made upon the answers of the aforesaid Royal Commissioners, Sir Robert Gardiner and James Hussey (by whom the Extent which has been quoted was drawn up), to the complaints of all the parishes against the Governor and soldiers:—That the rent referred to, charged on strangers and foreigners, totally ceased:—That supposing the Lieutenant-Governor, under any interpretation of the law ancient or

modern, is at liberty at this day to withhold his permission to an alien taking up his abode in the island, or to expel from it at any moment an alien being a dangerous person, the Petitioners humbly submit to Your Majesty whether, as well according to the constitution under which they live as by analogy with the regulations of the Acts of Parliament successively passed in respect of aliens, the extraordinary power of His Excellency does or should extend to interrupt the common course of justice in the case of an alien who, by permission of the Lieutenant-Governor expressed or implied, has become domiciled in the island and is not a dangerous person, taking the individual out of that protection of the Royal Court, and depriving him of that trial which are the right of every inhabitant :—That the jurisdiction of the Bailiff and Jurats extends over all causes both criminal and civil arising in the island, except in the cases of treason, of counterfeiting of money, and of offering personal violence to the Bailiff and Jurats, or any of them, whilst they are in the exercise of their offices, the punishment whereof is reserved to the Sovereign :—That from early times definitions of the powers of the Lieutenant-Governor, with reference also to those of the Court, have been given by the authority of the Privy Council :—That in the regulations by Royal Commissioners in 1554, namely, Sir Hugh Pawlett (Governor of Jersey), Thomas De Vic, and Nicholas Carey, Jurats, and James Amy, Clerk (of Guernsey), Sir Robert Chamberlain being the Governor, are the following provisions, the last of them it will be seen having especial reference to aliens who were to be disposed of according to the order of the Captain, Bailiff, and Jurats :—‘ Il est ordonné que ‘ le Capitaine ne pourra emprisonner aucune personne ‘ de l’isle pour l’offense quelconque plus longtemps ‘ que vingt-quatre heures, lesquelles passées sera tenu

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‘les amener en justice à fin qu’ils en aient la connaissance pour y être procédé selon justice et équité soit ‘en charge ou en décharge.’ ‘Le Bailly et Jurez ‘auront la connaissance de toute cause civile et ‘criminelle pour en juger selon les lois et anciennes ‘coûtumes de l’isle’ (excepting the three cases before-mentioned of treason, of false money, and of violence to the Bailiff or Jurats). ‘Le Capitaine ne se mêlera ‘d’aucune cause qui concerne la justice.’ ‘Tous étrangers n’étant natifs de l’obéissance de Sa Majesté ‘venus depuis le dernier an du Roi Henri VIII ‘sortiront hors de l’isle, et aussi tous autres venus ‘d’auaravant non nécessaires selon qu’il sera avisé ‘par le Capitaine Bailly et Jurez :’—That by the Order in Council of 1568, already quoted, it was provided, ‘That the Captain shall not hereafter im- ‘prison any person of the said isle without the order ‘of the Court unless it be for martial affairs or farms’ (Crown Revenues) :—That any imprisonment by the Lieutenant-Governor has long since ceased :—That under date of the 11th of June 1605 the Lords of the Council, in their answers to the propositions or requests exhibited to their Lordships by the Deputies of the Isle of Guernsey in behalf of the inhabitants, stated that—‘Touching the authority of the Governor ‘for committing of men to prison in that isle, it is ‘thought meet the Governor shall not be restrained ‘to commit any islander to prison upon such causes ‘as he shall think to have justly deserved imprison- ‘ment ; but as forasmuch as every particular or ‘private offence which deserved restraint doth not ‘admit the laying on of irons, putting into the ‘dungeon, or long imprisonment, it is therefore ‘thought fit that no person should be constrained or ‘kept in prison by the commitment of the Governor a ‘longer time than the space of twenty-four hours, nor ‘be laid in irons, nor be put into the dungeon, unless

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‘the party stand charged with some such matter as is
‘of higher nature than a private offence, and may
‘concern him and his loyalty to the King’s Majesty’s
‘person, or to the State; in which case the Bailiff
‘and Jurats, if the matter be such as may be im-
‘parted to so many, are to be acquainted with the
‘cause of his commitment; but if the Governor
‘shall find it dangerous or inconvenient so far
‘forth to reveal it as to acquaint them or any
‘of them with it, it ought to be left to his
‘discretion how to proceed, both for the time and
‘manner of imprisonment, and for retaining the case
‘private to himself; always to be regarded that the
‘Governor commit not to prison the Bailiff, or any of
‘the Jurats, unless it be for some such great case
‘concerning the King’s Majesty or the State as is
‘before mentioned:’—That in 1607 Sir Robert Gardiner
and James Hussey, the Royal Commissioners already
referred to, declared, in their answers to the complaints
of all the parishes of Guernsey against the Governor
and soldiers, as follow:—‘We think it not fit or
‘convenient that the Lieutenant-Governor should
‘exercise any martial jurisdiction to the impeaching
‘of the ordinary course of justice, except it be in time
‘of war or hostility, or for the suppressing or sur-
‘prising of robbers or pirates, or for the avoiding of
‘imminent danger otherwise like to ensue unto the
‘Island,’—and they added,—‘which for the better
‘satisfaction of the inhabitants of the isle we wish
‘not to be done, without advice taken thereof with the
‘Bailiff and Jurats who best understand the common
‘style and general strength of the island.’ The Com-
missioners concluded thus,—‘Nevertheless because
‘this seemeth in some sort to concern His Majesty’s
‘prerogatives, We require this our order to be no longer
‘enforced than until His Majesty’s pleasure shall be
‘signified to the contrary:’—That the Order in Council

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of 30th June 1608, also before referred to, which adopted the principle of these answers of the Commissioners, is still more explicit, going on to state the purpose of the Order as follows:—‘Wherein our purpose is not in any way to suffer the common course of justice to be interrupted, for that it is granted to the Bailiff and Jurats, as well by Charter from His Majesty as from His Highness’s Most Honorable Progenitors, to try and judge all controversies arising between any the inhabitants of this Isle, except in such causes as in the Precept of Assize dated 30th September 1331 are expressed:’—That these authorities alone, the Petitioners humbly submit, show that it was only upon extraordinary occasions as of war or hostility, or for the suppressing or surprising of robbers or pirates, or for the avoiding of some imminent danger otherwise like to ensue unto the island, or upon matter of a higher nature than a private offence and concerning the State, that the Lieutenant-Governor was to exercise his martial jurisdiction or to interrupt the common course of justice:—That as a more modern instance illustrative of the relative jurisdiction of the Lieutenant-Governor and of the Royal Court of the island, the Petitioners would further refer to an Order in Council of 23rd December 1731, whereby, on the complaint of the then Lieutenant-Governor, Lewis Dollon, Esq., of the arrest in the town of a soldier without the leave of the Lieutenant-Governor, it appearing that the soldier was not in the Castle at the time he was arrested, the Lords decided that under the circumstances the Court had done their duty in ordering the said soldier to be secured without the leave of the Lieutenant-Governor. The answers of the Lords of Council of 11th June 1605, already quoted, had directed that whenever any person belonging to the Governor should offend against the course of justice of the Isle either civil or criminal, in case the party dwelt within the

precincts of the Castle under the charge of the Governor, then the Bailiff and Jurats were to demand the offender at his hands upon laying open the cause ; and if the Governor denied to deliver up the party to his ordinary trial according to the custom of the Isle, the islanders were to have recourse to the Council Board for remedy ; where nevertheless the consideration was meet to be had that, upon such controversy between the said Governor and the said officers, forty days' respite should be interposed for conference between them, in hope of agreement at home, before the complaint were made unto the Lords of the Council :—That numerous Ordinances have been from time to time made by the Royal Court of the Island for the disposal and regulation of aliens and strangers, and generally upon some crisis of war, or scarcity, or other exigency of the moment : Such Ordinances have frequently been made by the Court on the immediate application and representation of the Lieutenant-Governor himself, as appears on the face of them :—That in particular by an Ordinance of the 11th September 1756 made by the Court, ' the Honourable Sir John Milne, Baronet, Lieutenant-Governor, being present,' it was ordered at the request of the said Lieutenant-Governor that Peter Le Petit and — Tranquille, Roman Catholics and French by nation, residing in the island of Jethou, should quit both the said island and the island of Guernsey, those of Alderney and Sark, in fifteen days at the latest, under pain of being punished at the discretion of the Court. By the proceedings of the Court on the same day it appears that a number of sailors were instantly required for the protection of the Island, and that the Lieutenant-Governor asked of the Court, looking to the danger which was impending, to induce the seafaring men then in the island to join the King's ships on the station, and also to order that the men who

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were employed as drummers in the militia should not be allowed to go out of the island; and that the Court, at the same time that they granted the request as to the sailors, refused it as to the drummers as contrary to the privileges of the inhabitants:—That from the several Ordinances made by the Court it is evident that, independently of an actual permission from the Lieutenant-Governor to reside in the island, aliens have acquired an abode there by various other means, such as through admission by the Court according to lists lodged in the Registry Office, or in common with other strangers by passing the examination of the Constables or one of the Law Officers, by finding security for good conduct or for not becoming chargeable, and above all by having been suffered to settle themselves on arrival, and having resided a year and a day, that period fixing the domicile:—That on the 3rd March and also on the 28th April 1798 ‘upon information and representation of the Lieutenant-Governor and Commander-in-Chief Major-General Sir Hew Dalrymple’ and ‘considering the present crisis,’ the Court, ‘concurring in the salutary view of the Lieutenant-Governor and Commander-in-Chief’ made Ordinances laying down several rules for the registry and regulation of strangers, as well subjects of His Majesty as others:—That on the 21st November 1830, ‘on application of the Lieutenant-Governor and Commander-in-Chief Major-General John Ross’ the Court made an Ordinance adverting to the revolution which was then taking place in France, and to the disaffection they assumed was then unfortunately prevailing in England, by which similar rules were again directed which were to be in force for two years:—That during the long period of peace all such forms have been discontinued, and nothing more is now required than that masters of vessels give in the names of all their passengers, without any distinction,

to the office of the Lieutenant-Governor, on arrival in the island :—That with respect to the opinion given by Your Majesty's Law Officers in the island, to which allusion has already been made, the Petitioners believe that the said Law Officers may not have adverted either to the fact of Le Comte being actually domiciled in Guernsey, or to the precise nature of the offence with which he was charged, and that consequently their opinion is rather on the abstract right of the Lieutenant-Governor to send aliens out of the island in certain cases, than on the exercise of that right in the case of an alien, being domiciled in it and not a dangerous person, charged with any ordinary matter in the nature of a private offence :—That the Petitioners, far from seeking to limit the rightful authority, prerogative, and power of the Lieutenant-Governor, are desirous that the largest and most liberal interpretation should be given to the same, and they are ready and anxious to maintain His Excellency therein to the utmost of their ability :—That it is essential to the prosperity of Guernsey at this time of constant intercourse with foreign countries and with France in particular, to which the inhabitants 'are more near 'than they are to' Your 'Majesty's Dominions,' that the subjects of all such countries should be assured of every immunity and protection in their resort thither, which is consistent with the safety of the Island :—That by the Acts of Parliament successively passed for the regulation of aliens, more and more facility and encouragement have been from time to time given to such aliens taking up and continuing their abode in England :—That the Petitioners earnestly hope it will be found on this occasion, as in the case with the Lieutenant-Governor Lewis Dollon in 1731 before-mentioned, that 'the Court have done 'their duty.' They conceive they were bound by their oath of office, believing the Lieutenant-Governor to

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have taken an erroneous view of his authority, to inform him thereof accordingly. In soliciting an interview with His Excellency they felt they were following the spirit and intent of the Order in Council in that behalf, and, had they succeeded in obtaining the usual conference, they might have been spared the necessity of this their humble representation to Your Majesty:—The Petitioners therefore pray that Your Majesty will be graciously pleased, by your order to be made in this matter, to declare that in the conferences to be hereafter held by His Excellency the Lieutenant-Governor, and the Bailiff and Jurats of the Royal Court of Guernsey, all and each of the said parties shall use and enjoy the privilege and advantage of taking part and speaking in such conferences as they have hitherto used and enjoyed the same. And that Your Majesty will also be graciously pleased by your order to declare, that in case any alien domiciled in Guernsey, not being ‘a dangerous person’ shall be charged with any ordinary matter, such as is not of higher nature than a private offence and as does not concern the State, such alien shall be dealt with according to the common course of law in the island, and shall not be liable to be expelled therefrom without trial.”

“AND Your Majesty having been further pleased, by your Order in Council of the 17th of April 1844, also to refer to this Committee a petition of the Royal Court of Guernsey, setting forth:—That, on the 20th of November 1843, the Petitioners with pain and reluctance represented to Your Majesty the unconstitutional conduct of His Excellency Major-General William Napier, Lieutenant-Governor and Commander-in-Chief in this island, in having, among other things, refused to hold a conference with the Petitioners in a manner conformable to the express provisions of the constitution and to the tenor of his

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oath of office, thus acting contrary to both ; and their representation is still awaiting the decision of Your Majesty in Council :—That the Petitioners now grieve to be again compelled, in vindication of the law, to address Your Majesty, and to make known that His Excellency, upon receiving your most gracious Warrant of Pardon in favour of Thomas Fossey, a prisoner in the public jail of this island, the said warrant addressed to ‘His Excellency the Lieutenant-Governor, the keeper of the jail, and all whom it may concern,’ did in the execution thereof commit, on the 15th of February last, further acts which were not only violations of the constitution of the island but, inasmuch as he actually sent for soldiers to force the jail, went to the length of substituting military force in lieu of the arm of the law, in these respects proceeding contrary to the intentions of Your Most Excellent Majesty, who doubtless desires that her acts be executed conformably to law and usage :—That far from acknowledging the irregularity of his proceedings His Excellency, on the 7th of March last, instructed Your Majesty’s Law Officers to prosecute Mr. Stephen Barbet, the porter and turnkey of the jail, for alleged disrespect and disobedience to Your Majesty’s said Warrant of Pardon, in having hesitated to liberate the said convict on the application of His Excellency and the exhibition of the warrant. Whereupon the Petitioners, having heard evidence and arrived at a full knowledge of the case, unanimously dismissed the complaint against the said turnkey according to the explanatory verdict hereunto annexed :—That the Petitioners, entrusted with the sacred and often painful duty of administering justice in the island, cannot but always rejoice at the exercise of Your Majesty’s most amiable prerogative of mercy, and whenever Your Royal pleasure is made known they will, as it is their bounden duty to do, hasten to give

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immediate effect to the Royal will, according to the legal forms and usages established to ensure with due solemnity the execution of so gracious an Order. But whenever the ordinary course of justice is set aside, or its forms disregarded by an officer high in authority, the very representative of Your Majesty's sacred name and dignity, who avails himself of a military command to supersede the civil power by the threat and order of military force, it equally becomes the imperative duty of Your Royal Court to apprise Your Majesty of the violation of the law, and thus afford Your Majesty the opportunity of preventing its recurrence :—That the law and constitution of the Channel Islands require that all Charters, Orders, Writs, Warrants, Patents and Commissions touching the judicial and civil government, which emanate from the Crown and issue in this island, be verified and registered by Your Royal Court previously to being acted upon. The law as regards Writs of Pardons is contained at the 468th page of the commentary of Terrien on the customs of Normandy, and reads thus,—‘ Comme à Notre Sire le Roi appartient donner pardons, remissions, et rappeaux de baon, aussi à ses juges en appartient la vérification et entérinement.’ The chapter containing this passage is expressly declared to be the law of the island by the ‘ Approbation des Lois,’ confirmed by an Order in Council of the 27th October 1583, duly registered on the Records of the Court, and is therefore statute law in Guernsey ; consequently previous to execution even writs of pardon require to be verified and registered :—That Guernsey and the adjacent islands being all that remain to the Crown of England of the ancient Duchy of Normandy, they have, from time immemorial and anterior to the conquest, been governed by peculiar laws and customs essentially different from those of England, and it is the relation in which they

stand with the Crown, as well as their own internal constitution, which renders the strict observance of these particular established forms both salutary and indispensable, so that the Petitioners feel bound ever to maintain them as alike essential to the dignity of the monarch, and to the security and happiness of the community :—That the Channel Islands, as an appendage of the British Crown, are subjected to Your Majesty's authority, in a manner as complete in every respect as was Normandy to its ancient Dukes. By the constitution, not only the executive power belongs to the Crown, but also the legislative functions of government are vested in the Queen in Council, and the inhabitants have strictly speaking no immediate participation in the enacting of those laws which are to govern their persons and property. Therefore, but for the existence of some peculiar provisions in the form and details of the constitution and in the manner of enforcing such laws, it would be impossible to divest a government so powerful of all appearance of an arbitrary character in the eyes of the people subjected to its sway. Such provisions do exist in the constitution of this island, and so effectual have they proved that the inhabitants, far from viewing the extent of Your Majesty's prerogative with fear or distrust, have ever considered it with justice as an additional ground of confidence and security, as regards the protection and maintenance of their privileges, their liberties, and their rights :—That to this end Your Majesty's Royal authority has been divided between two high ministerial officers, appointed by Patent from the Crown, and alike representing Your Majesty each in his own department, namely, the Lieutenant-Governor who is also Commander-in-Chief, and the Bailiff or President of the Court and States. Their several authorities and powers are perfectly distinct and separate, at the same

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time they are expressly enjoined by law to afford each other all due countenance and support in the government of the island :—That to the Lieutenant-Governor alone is confided the political and military executive as explained in his oath of office. He is the guardian and keeper of the island, and as such is charged to defend it from foreign aggressions and every subject of annoyance coming from without, and within he is to maintain the inhabitants in their allegiance to Your Majesty. In his own department he stands alone, and his power, within the limits of his own proper functions, is paramount and absolute ; but his authority, great as it is, is strictly confined to the object and purpose of his office. Unlike the Governors of most, if not all the British Colonies (among which Guernsey is not reckoned), he has no legislative council attached to him, a proof how little his powers partake of a civil nature. It is true that in his quality of Civil Governor he stands as the supreme protector of the laws, an office which, entrusted as he is with the whole armed force within the island, he alone can effectually perform ; but he is forbidden to take any part in the administration or execution of them, except when the civil authorities have need of his assistance to cause them to be observed and respected. Accordingly he is bound by his oath of office to ‘preserve and support the inhabitants of this island in their rights, liberties, privileges and ancient customs, and likewise to maintain the Ordinances of the Court, and if peradventure he should act or do anything contrary to the same, he is at all times, upon conference with the Bailiff and Jurats being duly informed by them, to reform and redress as may be found meet and reasonable’ :—That the Bailiff, as the civil representative of the Crown, is entrusted with the management of all the judicial and administrative functions of government. To him is committed the

immediate direction and control of the whole body politic, and in his capacity of Your Majesty's Chief Minister of Justice in the island, as he is styled by an Order in Council of the 21st November 1673, he is placed at the head of the civil and judicial executive. But he is provided with a council in the twelve Jurats of the Royal Court, without whom he can neither act nor decide in any matter of law, and the right of electing the Jurats, as well as the Sheriff and Constables, the judicial and civil executive officers of the island, is a privilege that belongs to the inhabitants, who are thus made to provide the whole of the power by which, when necessary, they are coerced :— That this distribution of the various functions of government is rendered indispensable from the circumstance of the legislative power being vested absolutely in the Monarch. For if an Officer of the Crown, acting solely under the directions of the Secretary of State, were invested with all the attributes of the executive, the Sovereign might be made to enact laws and issue Orders, not only without the participation of the inhabitants but even without their knowledge, and the executive would at once enforce them without publication or formality of any sort. Under such a system the chartered rights, the laws and customs of the island, would be continually endangered if not completely set aside. Unknown, perhaps, or unnoticed by the legislative, they would be disregarded by the executive Officers of the Crown, the inhabitants would have constantly to petition for redress, and the Monarch himself would frequently have to regret and amend the unintentional violation of his solemn coronation oath ; and therefore, to avoid the confusion and misgovernment necessarily consequent on such an imperfect constitution, the Royal Court was established :—That this body, instituted probably before the Conquest, was, shortly

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after the cession of Normandy to France in 1204, invested by the Constitutions of King John with its present powers and attributes. It is a Royal Court of Record, and the Jurats elected by the inhabitants are 'Duodecim coronatores ad placita et jura coronæ conservanda.' By a certain Inquest, made in the reign of Edward the Third in the year 1331, and called the Precept of Assize, they were styled 'Moyens juges entre notre dit Sire le Roi et ses hommes habitants en la dite île,' remarkable words as applied to a body of men elected by the people. And the same document goes on to say—'Et ont iceulx la cognaissance, jurisdiction, précognition, et jugement en la compagnie du Baillif de toutes matières de causes civiles et criminelles échéantes en la dite isle toutes fois et quantes.' This jurisdiction in civil cases is limited by the right of appeal to the Privy Council. In criminal cases their decision is final and executable except in three cases,—of treason, striking the Bailiff or a Jurat while in the discharge of his functions, and false coining—which after trial and conviction are referred to the Crown for sentence as crimes touching the prerogative :—That the Jurats are thus by law intermediate between the Crown and the people as sworn conservators of the rights of both, and special care has been taken by the constitution to make them in reality the safe and efficient guardians of so sacred a trust. By a peculiar and admirably organized system of graduated elections, they are pointed out and raised to their stations, as the representatives in the highest sense of the whole people. Their independence of the elective body, or of any party within it, is further secured by the permanence of their office : enjoying in a high degree the confidence of the people, to whom indeed they are bound by every tie of affection and common interest, they are at the same time in all their proceedings placed in contact

with, and submitted to the influence of the immediate representative of the Crown. Incapable of acting alone, their whole effective power and authority is derived from their union with the Bailiff, and it is this intimate and indissoluble union between the Royal authority on the one part and the independent representatives, not the delegates of the people, on the other, to which are added the presence and advice of the Law Officers of the Crown, which essentially constitutes the Royal Court. Such is the peculiar constitution which renders it capable of holding for the general benefit the high powers with which it is invested, and which can only be compared to those of the 'Parlemens' of ancient France. For composed as it is, every act of the Court, in all matters concerning the due administration of law as well as the regulation and enforced observance of public order, is armed with a double sanction, and may be considered as the joint act of the Crown and the people :— That in the same manner as this remarkable constitution of the Royal Court was expressly designed to adapt it to its position and functions, so its principal powers and attributes, though confirmed by immemorial usage and repeated decisions of Council, were not acquired by mere custom and precedent ; they are properly the result of the very form and nature of its own constitution, and of the purpose for which it was originally established with reference to the general constitution of this island. Having been organized specially with a view to its double responsibility as 'moyens juges' between the Monarch and his subjects, its authority in this character has ever been fully acknowledged, and the Royal Court has hitherto served, as it was intended to do, as the sole recognised channel whereby the authority of the Crown, in all matters concerning law and justice, should be made to reach the people. It is in accordance with this

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principle that no orders, writs, patents, or commissions touching the judicial and civil administration, emanating from Your Majesty and issuing in the island, are executable until verified and registered, when their due and solemn execution is at once secured in conformity with the laws and customs of the inhabitants. In a country where the Court can at all times be assembled at an hour's notice, these formalities can occasion no delay, they are absolutely requisite to give publicity as well as permanent effect to such missives from the Crown, and no means of equal efficacy could possibly be devised to secure to them the immediate and willing obedience of the whole community :—That such legal forms being as shown above strictly constitutional, their observance is essential to the ends of good government, and to preserve unshaken the confidence and affection of the people towards the Sovereign, and their respect for the prerogative. For in case, through inadvertence or otherwise, Your Majesty's Orders should contain anything which might appear subversive of the customs, rights, or privileges of the people, or the institutions of the island, the verification and registry of such orders before execution afford the Royal Court, and the inhabitants, the only opportunity they can have to discover the supposed evil before any actual injury is inflicted, and to bring their humble Petition and remonstrance before Your Majesty, in order that Your Majesty's pleasure may be more fully made known, while Your Majesty's Royal power can in nowise be affected thereby ; for if such petition be found unreasonable a further peremptory Order from Your Majesty is sufficient to command immediate obedience to Your Majesty's will and pleasure. Moreover the Court having been appointed 'ad jura coronæ conservanda,' its character, powers, and attributes are only such as are requisite to enable it, within its own

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province, to maintain the Royal dignity and prerogative ; and, far from impeding the exercise of Your Majesty's authority such powers, are most essential to its prompt action as well as to its beneficial influence. The necessary intervention of a body so constituted, in every operation of the Royal will in civil and judicial matters, is a pledge to the Crown that Your Majesty shall not be troubled with complaints against Your Royal Orders, or the acts of your officers, on trivial or false pretences, nor indeed on any occasion but one of extreme necessity ; it is equally a pledge to Your Majesty's subjects in the island that the Orders they are called upon to obey, being both acknowledged and enforced by persons whom they personally know and confide in, do truly express the will and intentions of their gracious Sovereign, and that their justice and expediency are unquestionable :—That under the control of the Bailiff, both the civil and judicial executive are moreover wholly vested in the inhabitants, and the satisfactory and effectual manner in which peace and good order are maintained, and the laws enforced in the island, is a proof how completely the active functions of civil government may with safety be committed to the people, wherever the Crown retains its complete supremacy. The Constables, elected in each parish by the ratepayers, are Magistrates possessed of extensive and absolute powers for the quelling of disturbances of every kind, and for the apprehension of offenders : but as civil ministerial officers in their respective parishes, they are for various purposes provided with a Council in their Douzaines. And the Sheriff, the executive officer of the law, is chosen like the Jurats of the Royal Court by the States of Election, the great representative body of the whole island. This privilege of electing the Sheriff is secured by special charter, the constitutions of King John stating expressly 'Quod

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Dominus Rex nullum Prepositum ibidem promovere debeat nisi per electionem patriotarum.' This privilege is further confirmed by the Inquest of Edward the Third in 1331, above referred to, as also by an Order in Council of the 10th of June 1670 ; and it affords a most salutary and highly valued security, that no civil warrant of any kind shall be executed, without the due observance of the forms established for the protection of the laws and customs, the rights and liberties, of the inhabitants :—That if the Petitioners on the present occasion, not content with proving the existence of the law violated by His Excellency the Lieutenant-Governor, have presumed to lay before Your Majesty some account of the local institutions, it is because they have further wished to show that such law is both reasonable and necessary, that, however foreign it may be to the British constitution, it is in no wise as regards this island a mere arbitrary regulation or useless formality ; that, on the contrary, it is intimately connected with the soundest principles of government and with the feelings of the people ; that it forms an essential part of a system of high antiquity, one which affords, to a greater extent perhaps than any other, the means of guiding and of ruling men with the least possible exercise of positive restraint, and of which the tendency is to knit the people together in a common bond of confidence in the Government, and of loyalty to the Crown. And the Petitioners, therefore, humbly but confidently submit to Your Majesty that, so long as Your Royal Court shall continue faithful to its trust, so long as by its deference to Your Majesty's Orders, and by its readiness to enforce them, with due regard to Your Majesty's Royal authority and to the public welfare, it shall continue to afford the community confided to its charge an example of obedience to the Sovereign and of veneration for the laws, there can be no reason

why any of the existing legal forms should be altered or abolished :—That on the investigation of the complaint before alluded to, brought by the Lieutenant-Governor against the Turnkey of the public jail, it came to the certain knowledge of the Petitioners by the evidence then adduced, that Major-General Napier did not only execute, contrary to law, a warrant of pardon without the previous verification and registry thereof, but that he did moreover actually issue Orders for the soldiery to come and force the jail, and that under the influence of such Order the prisoner was released ; the civil power being thus, by the act of His Excellency, supplanted by military force, a grave offence, alarming to the community, destructive of public order and good government, and which, if repeated, might become the occasion of conflict, and might even lead to the effusion of blood. And it is expressly provided against by the Order in Council of the 30th of June 1608, which, confirming the report of the Royal Commissioners of 1607, distinctly declares ‘that it is not fit or convenient that the Lieutenant-Governor exercise any martial jurisdiction to the ‘impeaching of the ordinary course of justice ‘except in time of war or hostility or for the suppressing or surprising of robbers or pirates or for ‘the avoiding of imminent danger otherwise like ‘to ensue unto the island wherein our purpose is not in ‘any way to suffer the common course of justice to be ‘interrupted for that it is granted to the Bailiff and ‘Jurats, as well by Charter by His Majesty as from ‘His Highness’s most honorable progenitors to try ‘and judge all controversies arising between any of ‘the inhabitants of this isle :’—That from the tenor of this Order it appears evident that it is only on certain rare occasions of great emergency, when the whole island is exposed to some imminent danger from lawless violence, either arising from within or

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threatening it from without, and against which the civil power could be of no avail, that the Lieutenant-Governor can make use of those extraordinary resources which are lodged in his hands. They were committed to him that he might secure, or, when necessary, restore the peace and quiet to the Island, and not by any means that he might disturb and alarm the inhabitants by a needless display of overbearing force. In times of commotion and disorder when terror prevails and the law is disregarded, when the civil authority is evidently powerless, and the public safety requires the protection of a stronger arm, then and then only is the Lieutenant-Governor permitted to exercise martial jurisdiction, and to supersede the ordinary course of justice by the substitution of a power that steps beyond the law :—That, according to the Order in Council of 1568, the Petitioners are ready to assist and maintain to the best of their power the Lieutenant-Governor ‘in all such rights ‘privileges and duties as other Captains heretofore ‘holding his place have heretofore enjoyed and by the ‘prerogative of his office do appertain unto him ;’ at the same time the Petitioners humbly claim to have ‘that reputation and obedience that belongeth unto ‘their office and calling :’—That the Petitioners, deeply impressed with the responsibility of their office, regret that His Excellency, by his previous refusal to hold a conference, should have deprived them of the usual constitutional remedy on the occurrence of similar acts on the part of the Lieutenant-Governor. They find themselves in consequence under the necessity of bringing their representations before Your Majesty, in the hope that Your Majesty will graciously vouchsafe, not only to uphold the civil power in the administration of the law under the authority of the Crown, but also vindicate the claim of the Petitioners and of the inhabitants to be freed from the inter-

ference of military power with the common course of justice :—The Petitioners therefore pray that Your Majesty may be graciously pleased to instruct and direct His Excellency the said Major-General William Napier to regulate his future acts in the government of the island conformably to the laws, customs, and chartered rights of the inhabitants ; And that Your Majesty will also be graciously pleased to declare, in accordance with the Order in Council of the 30th of June 1608, hereinbefore quoted, that it is not fit or convenient that the Lieutenant-Governor should exercise any martial jurisdiction contrary to the usual course of justice, except it be in time of war or hostility, or for the suppressing or avoiding of some imminent danger otherwise like to ensue unto the island ; and to declare Your Majesty's gracious purpose not in any way to suffer the common course of justice to be superseded by military force."

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"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Orders of Reference, did on the 10th, 11th, 16th, 18th, and this day take the said petitions into consideration, and heard counsel as well in support thereof as in objection thereto, and, understanding that it is Your Majesty's pleasure that their Lordships should merely advise Your Majesty upon certain questions arising out of the said petitions as regards the law and usages of Guernsey, their Lordships agree humbly to report their opinion to Your Majesty upon the following questions submitted in the cases of the petitioners in this matter.—In respect of the first question, 'Residents having acquired such domicile in Guernsey as hereinbefore stated are not subject to be deported, but in such manner as the Captain, with the advice of the Bailiff and Jurats, shall order and appoint in this respect,'

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Their Lordships are of opinion that the advice of the Bailiff and Jurats is not necessary for the purpose of authorising the Captain to exercise the power mentioned in said question. That under the term Captain their Lordships consider that the Governor, and in his absence or in case there should be no Governor, the Lieutenant-Governor, or the person exercising the powers of Governor or Lieutenant-Governor for the time being, are included.—In respect of the second question, ‘That the Bailiff and Jurats of the Royal Court are individually entitled to take part and speak in all conferences with His Excellency the Lieutenant-Governor,’ Their Lordships are of opinion, that the Lieutenant-Governor has the sole authority of appointing the time and place of conference, and that the Bailiff and Jurats of the Royal Court are individually entitled to take part and speak in all conferences with His Excellency the Lieutenant-Governor.—In respect of the third question, ‘That the aforesaid Writ of Pardon ought to have been verified and registered by the Royal Court before it was executed,’ Their Lordships are of opinion, that the Writ of Pardon in the petitions mentioned did not require to have been verified and registered by the Royal Court before it was executed.—In respect of the fourth question, ‘That the Lieutenant-Governor was not warranted in enforcing obedience to the said writ of pardon by a threat of military force,’ Their Lordships are of opinion, that it was the duty of the Portier immediately to have discharged the prisoner on the production to him of the pardon under the Sign Manual ; but the Portier not being the servant of the Lieutenant-

Governor for the purpose of the custody of the prisoner, Their Lordships are of opinion that the Lieutenant-Governor was not warranted in enforcing obedience to the writ of pardon by the threat of military or other force.”

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HER MAJESTY, having taken the said Report into consideration, was pleased by and with the advice of Her Privy Council to approve the same. Whereof the Lieutenant-Governor or Commander-in-Chief for the time being, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's officers and persons concerned within the said Island, are to pay due obedience, and govern themselves accordingly.

C. GREVILLE.

(*Enregistré sur les Records le 1er Août 1846.*)

AT THE COURT AT BUCKINGHAM PALACE

the 6th of July 1846

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th of this instant, in the words following, viz. :—

a Serment de
Connétable.

“YOUR MAJESTY having been pleased, by Your Order in Council of the 30th of June 1845, to refer unto this Committee the humble Petition of George Allez, of the Parish of St. Saviour in the Island of Guernsey, setting forth:—That the Petitioner was duly elected Constable of the said parish at a meeting of Chiefs of Families held in the church of said parish on the 6th May 1845:—That the Petitioner in no way solicited the said office, or made any efforts to obtain the same :—That previous to the election of the

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Petitioner to the said office, and on 1st April 1845, Mr. John De Garis had been elected by the Chiefs of Families to the said office, but that the said Mr. De Garis on the 12th April, when produced at the Bar of the Royal Court in the said Island to take the Oath of office, having objected to take the said Oath from scruples of conscience, was thereupon discharged by the said Royal Court from the said office, and that by the same Act the Court ordered a new election to take place :—That in consequence of the objections made by Mr. De Garis and to prevent the recurrence of such difficulties, the Royal Court, on the 31st May, adopted certain changes in the Oath of office of Constable, which the Petitioner was called upon to take on that day :—That among the changes then introduced by the Royal Court in the said Oath, was the insertion of the words “ Défenseur de la Foi,” in the second article of the said Oath, which title of the Sovereign was not contained in the prior form :—That the Petitioner, having conscientious scruples to the said Oath, declared to the Court his objections, and moreover submitted by his Counsel that it was not in conformity with the Orders in Council of 22nd March 1660, and 10th August 1831 ; but that the Royal Court refused to listen to his reasons, and condemned him to take the said Oath in eight days on a penalty of £20 sterling, which penalty, according to the style of procedure in the said Court, he will be called upon to pay at the end of the said eight days in the event of his refusal to take the said Oath, and moreover the said penalty will be doubled on the second refusal, trebled on the third, and so on in regular progression until the Petitioner consents to take the said Oath :—That the Petitioner respectfully submits that, by the Order in Council of 22nd March 1660, it was enacted that the Oaths of Supremacy and Allegiance in the island should be taken in conformity with the English

Acts of Parliament ; and that the intent and object of the Act of Parliament of 9 Geo. IV. Cap. 17, and of the Order in Council of 10th August 1831 thereon, was to remove all religious disabilities, and to provide a simple Declaration that no authority or influence should be exercised by the person elected to office, to injure or weaken the Protestant Church and her ministers :—That the changes lately introduced by the Royal Court in the first and second Articles of the Oath of Office of Constable do not fully meet the above Orders in Council, but contain superfluous expressions beyond the ordinary Oath of Allegiance not warranted by English Acts of Parliament, and also introduce a general clause for the advancement of the Glory of God, which parts of the said Oath the Petitioner objects to on conscientious motives, not deeming them proper to be introduced into an Oath of Civil Office which entails no religious duties :—That the Petitioner also complains of the mode of proceeding adopted by the Court in his case, who, having exempted another person so short a time before on similar grounds and without inflicting any penalty, now peremptorily insist upon the Petitioner's taking the Oath, denying him any remedy, and entailing his utter ruin should he persist in his refusal :—and the Petitioner humbly and respectfully solicits Your Majesty's interference in this matter, to stay the proceedings now pending against him, in order to allow him the means of proving the positions contended for, or other remedy.—Their Lordships directed a copy of the said Petition to be referred to the Royal Court of the said island for their answer and observations, and ordered the said Court not to take any proceedings in respect of enforcing the payments of the penalties of £20, until their Lordships should have fully examined, as well into the allegations of the said Petition, as into the

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observations and answer of the said Royal Court ; to which said Order of reference the Royal Court made answer on the 15th of August, as follows :— ‘The Petitioner complains that upon his submitting by his Counsel the scruples he felt, and moreover that the Oath was not in conformity with the Orders in Council of 22nd March 1660, and 10th August 1831, the Royal Court refused to listen to his reasons, and condemned him to take the Oath, although they had not long before exempted Mr. De Garis, on account of similar conscientious scruples. It is true that the Court, after hearing for some time the Petitioner’s Counsel, finding that he merely argued against the legality of the form of the Oath itself, thought proper to interrupt him ; because that very form had already been sanctioned by an Ordinance of the Court after the objections raised against it had been heard and overruled. They could not therefore permit the legality of the Oath to be questioned, but declared that they were ready to hear the Petitioner’s Counsel, if he had any reasons to allege why his client should be excused from taking the Oath. Accordingly he pleaded the Petitioner’s scruples to the words ‘Defender of the Faith’ as applied to Her Majesty, and claimed to be exempted on that ground, citing the case of Mr. De Garis as a precedent. The Court, however, after hearing Her Majesty’s Procureur on the part of the Constable of the parish of St. Saviour, who having served in that capacity beyond the time required by Law claimed his discharge, were of opinion that the case of Mr. De Garis differed very materially from that of the Petitioner. Mr. De Garis was a dissenter, and the Oath that he scrupled to take contained, as it then stood, an engagement to maintain and support the Established Church, and an acknowledgement of Her Majesty’s Supremacy in Ecclesiastical matters. The Petitioner, on the other

hand, was by his own acknowledgement not a dis-
senter, and the Oath which he was required to take
contained none of the expressions objected to by the
dissenters, with the single exception of the words
‘Defender of the Faith,’ which, being a title belonging
of right to Her Majesty, the Court had felt incom-
petent of their own authority to suppress. Under
these circumstances it was considered that no person,
especially a member of the Church of England, could
be permitted to claim exemption from the office of
Constable on pretence of having conscientious scruples
to the words in question, as such a claim, if allowed,
would afford to all who chose to avail themselves of
the same plea, an easy method of evading the burden
of a laborious and responsible office, which by the
constitution is compulsory upon all qualified persons.
The Court therefore condemned the Petitioner to take
the Oath. They might according to usage have
immediately enforced their decree by imprisonment
of his person ; but they preferred binding him under
a penalty to take the Oath, as a milder mode of pro-
ceeding. The only other point of the Petition which
requires being noticed here, is the objection raised by
the Petitioner on conscientious motives to the engage-
ment to advance the Glory of God, contained in the
1st Article of the Oath. It is proper to observe in the
first place that this objection was never stated to the
Court at all, as appears from the Act of Court
of the 31st of May 1845, when, at the request of the
Petitioner and his Counsel, a record was made of his
reasons for not taking the Oath, and of the grounds
on which they were founded ; the only words therein
mentioned as having been objected to on conscientious
grounds being Her Majesty’s title of ‘Défenseur de
la Foi.’ Since that time, however, it would seem that
on further consideration the Petitioner has come to
think it was improper and superfluous to mention the

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advancement of the Glory of God in the oath of a civil office, which entails no religious duties. With regard to the alleged impropriety, the Court beg to remark that they do not understand the force of an argument which implies that a man cannot serve God by the conscientious discharge of an important civil office. They are unable to conceive why any man, not absolutely an atheist, should object to a declaration, by which he does no more than acknowledge that his political and social duties as a person in authority are to be performed, not as a mere matter of expediency or for man's sake alone, but as a part of his duty towards the Almighty Himself. And the Court venture to hope that your Lordships will see no reason to suppress as improper or superfluous a clause of this nature, which from the earliest times has formed an essential part of the principal Oaths of Office in use in the island ; and which, while it neither involves nor contradicts any peculiar religious principle, serves to impress the mind with a true sense of the character and responsible nature of all authority whatever.— And Your Majesty was also pleased, by a further Order of the said 30th of June 1845, to refer unto this Committee a Memorial and representation of certain officiating dissenting Ministers setting forth :— That the memorialists with regret and very respectfully beg to call attention to the changes, lately introduced by the Royal Court of the said Island, in the Oath administered to Constables in the said Island upon their admission into office, and also to the general tenor and spirit of the said Oath :—That the Constables, of whom there are twenty, being two in each of the ten parishes of the said Island, have the following duties to perform ; they preside at the Douzaine, keep the Parish books, are Parish Treasurers, and have the entire charge of the Police ; their duties are therefore wholly of a civil nature ; and they

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generally remain in office one year :—That from the earlier Records of the Island it is clear that their oath of office was simply—‘as to such office appertains’—as is proved by the thereto annexed extract from the said Records :—That on the twelfth day of October 1605, the Royal Court drew up the Oath of Constables in a complete and definite form, probably intending to meet the provisions of the Act of Parliament of 3 James I, Caput 4 :—That the said Oath of Office divides itself into three distinct parts, 1. The religious profession,—2. The allegiance to the Sovereign,—3. The different duties to be performed ; the two former points are those to which the Memorialists refer :—That by an Order in Council of 22nd March 1660, duly transmitted and registered in the Records of the Island, it was enacted among other different subjects that the Oaths of Allegiance and Supremacy be administered in the Island, as they are ordained to be taken in England by several Acts of Parliament :—That the Act of 3 James I, Cap. 4. was then still in force, but was changed in the year 1688 by that of I William and Mary Sess. I, Caput VIII Sect. 2, the preamble of which alludes to the Act of 3 James I, and states that it contains the Oath of Allegiance and Obedience, but reduces the said Oath to a simple and more concise expression of faithful adherence to the Throne :—That according to the terms of the Order in Council of 22nd March 1660, the Royal Court of the Island were bound to follow the Acts of Parliament respecting the Oaths of Allegiance and Supremacy, though the Memorialists cannot find that the said Acts were officially sent to the Island for registry there ; whereas a comparison between the Oath of Office of Constable and the said Acts will shew that they were not observed, but that the said Oath contains several expressions not warranted by the said Acts :—That the Act of Parlia-

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ment, 9 George IV, Caput 17, repealing different provisions of the Acts of 13 and 25 Charles II, was transmitted to the island by Order in Council of 10th August 1831, ordering its observance in the said island :—That notwithstanding these different declarations of the English legislature, by which it was clearly intended to divest the Oaths of Civil Offices from all religious matter, and also to reduce the homage of allegiance to a simple and precise form, the Oath of Constable in the island remained in its original form (save some unimportant distinctions, the only remarkable of which was the omission of the words ‘*défenseur de la foi*’) until the present year, when in consequence of the reform in the States of the Island, and the changes this introduced in the administrative functions of the Constables, in the latter part of the Oath concerning such functions it was necessarily modified :—That on the 17th May 1845, the Law Officers of the Crown in the island presented a Project of Law to the Royal Court, the avowed object of which was to set aside all ground of conscientious scruples of persons called upon to take the Oath of office of Constable, and reducing the said Oath to a simpler form ; which said Project was ordered by the said Royal Court to be lodged at the Greffe Office for fifteen days, in order that all persons objecting thereunto might have due opportunity of presenting themselves, with any modifications they might suggest for the consideration of the said Royal Court :—That, in conformity with the said decision of the Royal Court, the Memorialists did upon conscientious and respectful motives (both as regards the authority of the said Royal Court, and more particularly the attachment and duty they owe to their Sovereign) appear by Counsel at the bar of the said Royal Court on the 31st May last, in order humbly to submit to the said Royal Court the pro-

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priety and necessity of rendering the said Oath of office conformable to the English law, of excluding from the said Oath all expressions concerning religion, and lastly of adopting the Oath of Allegiance as provided by I. William and Mary Cap. VIII, and other Acts of Parliament such as I. George, Stat. II, Cap. 13 :—That the said Royal Court, conceiving perhaps that the Memorialists were attempting to invade the prerogative of the Crown, and to discuss the titles of the Sovereign, and notwithstanding the modifications already agreed to by the said Royal Court respecting the three first articles of the said Oath of office, refused to hear the Memorialists by Counsel, and confirmed the Project of Law presented on the 17th May :—That the Memorialists therefore now humbly submit that the said Order of the Royal Court is highly objectionable, as tending to cause the raising of conscientious scruples on the part of respectable persons called to take the said Oath of Office ; and more particularly that the said order is contrary to the spirit of legislation followed in England, and is opposed to the intent of the aforementioned Orders in Council of 22nd March 1660, and 10th August 1831, which clearly intended that the Oaths of Office should be administered in Guernsey conformably to the English Acts of Parliament, and that all religious disqualifications should be set aside :—That the Memorialists do not now ask, and have never demanded, that all clauses relating to religion and allegiance should be expunged from the said Oath of Office, nor do they presume to interfere with the authority of the Royal Court, or of Her Majesty and Her Council, considering that the legislature are alone to determine what may be expedient and proper on the subject, and even humbly suggesting that a declaration of allegiance to His Sovereign forms an important part of a Constable's duty :—That the

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Memorialists humbly solicit interference for the protection of conscientious scruples against the unnecessary and superfluous portions of the said Oath, and earnestly submit that any clauses introduced in the Oaths of civil officers in the island, concerning religion or concerning allegiance, must strictly be confined to the provisions of 9 Geo. IV, Cap. 17 (introduced in the 3rd Article of the modified Oath) as regards the former ; and that the declaration in the Act of I William and Mary, Sess. I, Cap. VIII, and subsequent Acts is the proper and legal form of allegiance to the Throne, and contains every requisite provision thereon.—Their Lordships also directed copy of the above petition to be referred to the Royal Court of Guernsey for their answer thereto and observations thereon. And the said Royal Court did also on the 15th of August last, transmit to this Office their observations in the words following, viz. : ‘ In their representation the Petitioners endeavour to show that by certain Orders in Council and Acts of Parliament in force in the island, and which the Royal Court are bound to observe, it was intended to divest the Oaths of civil officers from all religious matter, and to reduce the Oaths of Allegiance and Supremacy to the simplest form ; and that, contrary to the intent of such Orders in Council and Acts of Parliament, as well as to the actual spirit of the British Legislation, the Royal Court, in framing the Constable’s Oath of Office, have departed from the only proper and legal form of the Oaths of Allegiance and Supremacy as contained in the first of William and Mary, Cap. VIII, and subsequent Acts, and have introduced such superfluous matters as may tend to raise religious scruples on the part of respectable persons called to take the said Oath. On the other hand the Court trust they will make it evident that the Constable’s Oath contains nothing

that is contrary to any Order in Council or Act of Parliament. That in the alteration they have made in the said Oath they have, in accordance with the spirit of the British Legislation, done all that their authority permitted them to do, in order to remove every occasion of offence to the consciences of Dissenters ; and that they have retained or introduced no expressions but such as respect due to Her Majesty's Dignity and Prerogative compelled them to include in the said Oath of Office. As the Petitioners, in the account they have given of the Constable's Oath of Office, have sought to identify as much as possible the expressions of loyalty it contains with the English Oaths of Allegiance and Supremacy, it will be necessary for the Court to follow them over the same ground, in order to correct the erroneous impressions it suited their purpose to convey. It cannot be inferred from the extract given by the Petitioners from the early Records of the Island, that in those days the Constable's Oath of Office was simply to discharge their duty 'as to such office appertains.' Formerly these words were commonly inserted in Acts of Court of a similar kind to that cited by the Petitioners, and were intended to record the fact that the individual, on his admission into any office, had taken the particular form of Oath prescribed by law for the same. This is clear from the numerous examples which exist of the same words having been used when either Bailiffs, Jurats, Crown Officers, or Advocates were sworn into office ; on all which occasions it is certain that specific forms of Oath, differing according to the office, must have been administered. Whatever may have been the nature of the Constable's Oath of Office before the 12th of October 1605, there is no doubt that it then underwent some change, and assumed the form which has continued in use without any material variation until

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the present year ; but such alteration could not have been intended, as the Petitioners have erroneously conjectured, to meet the provisions of the 3rd James I., Cap. VIII, which was enacted nearly a month after the new oath had been actually in use, namely on the 5th of November 1605. The true reason for altering the Constable's Oath was the re-establishment of the States of the Island, which took place at that particular time ; and the new form was framed for the express purpose of being administered to the first Constables, who sat as representatives of the different parishes in the General Assembly of the insular authorities. It was not on this occasion, however, that the pledge of allegiance to the Sovereign, and the acknowledgment of his supremacy were first introduced into the very beginning of an Oath of Office, so as to form a prominent and essential part thereof. The Jurat's Oath (of which the most ancient copy extant in the Greffe, or Record Office, is of the beginning of the reign of Queen Elizabeth), and that of Her Majesty's Procureur and Comptroller, which was established in its present form in the year 1569, may be cited as certain proof that the practice existed long before. How much older it may have been cannot be positively ascertained, from the loss of most of our records anterior to the year 1525 ; but it was no doubt handed down from the earliest times : and when it is considered that the numerous charters securing to the inhabitants of this island their liberties and privileges expressly state that they were granted or renewed on account of their tried allegiance and fidelity to the Kings of England, the propriety of so framing the principal Oaths of Office becomes apparent. For loyalty to the Sovereign is thus made a chief and paramount obligation of the office itself, second only to that of advancing the Glory of God, while the particular duties of each

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office become as it were subordinate and supplemental to these two primary ones. A comparison of the Oath of Supremacy of I. Elizabeth Cap. I, with the Constable's Oath, and the other Oaths of Office still in use in the island, will show that many of the expressions respecting the Royal authority, which are with slight variations found in all these oaths, were probably derived from the English form. The adoption of these expressions is accounted for by the necessity which must have arisen of modifying, in certain respects, the pre-existing Oaths of Office, in order to suit the principles established by that well-known Act respecting the jurisdiction of the Crown. But though many of its expressions were thus introduced, no copy or imitation of the general form of the Oath of Supremacy was ever embodied in any Guernsey Oath of Office ; and the manner in which the borrowed expressions are put together in the several oaths above alluded to, and united with other matter not found in the English Oath of Supremacy, indicates the existence of more ancient models, the general form of which was preserved while their tenor was partially changed. In like manner when it became necessary to modify the Constable's Oath to adopt it to the late changes in the constitution of the States, as well as to satisfy the scruples of the Dissenters, the Royal Court did not think it was either requisite or desirable to depart, in other particulars, from the ancient and constitutional model. They merely omitted, in the first instance, that part of the oath which concerned the duty of the Constables in the States, and which was no longer applicable to the Constables' functions since the new constitution of that body ; and afterwards, when the objections of the Dissenters came under consideration, the Court, desirous of conforming, as closely as the difference of forms would permit, with the spirit of British legisla-

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tion, struck out the promise to maintain and support the Established Church, and substituted thereto the Declaration of 9 Geo. 4, Cap. XVII; and moreover, by the omission of certain words, left the acknowledgment of Her Majesty's Supremacy expressed in general terms that could no longer wound the consciences of persons who scruple to acknowledge that Supremacy in Ecclesiastical matters. By means of these alterations the Court expected that every cause of complaint on the part of the Dissenters had been removed. One expression however yet remained, and one only, to which the Petitioners objected on conscientious grounds, and on the 31st May last they appeared by Counsel at the bar of the Court to urge the omission of the words 'Defender of the Faith,' inserted in the proposed form of Oath as one of the titles belonging to Her Majesty. But the Court, after taking the opinion of the Law Officers of the Crown, decided that they were not competent to entertain the question of striking out one of the legal titles of the Sovereign from any constitutional form of words (especially one of so solemn a nature as an Oath of Office), in which it had been customary to insert them: and considering that it only belonged to Her Majesty in Council to judge of a matter which wholly concerned the dignity of the Crown, the Court refused to hear the Petitioners and adopted the form of oath now complained of. Before answering the reasons of law given by the Petitioners in support of their complaint, it is proper to notice the omission of the words 'Défenseur de la Foi,' from what has always been considered as an official, though a modern, copy of the Constables' Oath, kept for use at the Greffe Office. The Court have no means of ascertaining the cause of this singular deviation from the general form of Oath of Office; these words certainly occur in the original as it stands on the

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Records of the year 1605, and they are also found in the corresponding passage of every other Oath of Office now in use ; as in that of the Governor, the Bailiff, the Jurats, the Crown Officers, and even of the Assistant-Constables. When the draft of the Constables' new Oath of Office was prepared by the Court, these words were restored as mere matter of course. The legal grounds assumed by the Petitioners are founded on an Order in Council of the 22nd March 1660, which by one of its provisions directs the English Oath of Allegiance and Supremacy to be administered, and on the 9th Geo. 4, Cap. XVII, passed for the repeal of the Test and Corporation Acts, and registered on the Records of the Island by Order in Council of the 18th October 1831. Whatever argument the Petitioners derive from the latter may be disposed of in a few words. It is true that although the island is not mentioned in that Act, the Royal Court, rather than trouble their Lordships with their observations on the subject, ordered it to be registered in conformity with the Order in Council, as it did not contain anything contrary to the usages or interests of the island. But taken in its literal sense it could operate no change in the ordinary administration of the law ; for the Sacramental Test, which it was expressly enacted for the purpose of repealing, had never been in use in the island. Nevertheless the Court, considering the general spirit of that Act, deemed themselves justified in altering the Constables' Oath of Office to the extent, and in the manner they have before explained. In their memorial, however, the Petitioners chiefly rely on the Order in Council above referred to, of which, besides the preamble, they cite one article only, which runs as follows :—' 8thly. It is His Majesty's pleasure that the Oaths of Allegiance and Supremacy be administered in the said Island of

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Guernsey as the same are ordained to be taken in England by several Acts of Parliament of force in England made for that purpose.' The true intent and meaning of this article, which has been altogether misunderstood by the Petitioners, cannot remain doubtful when it is taken in connexion with the remaining articles of the same order, and when the occasion of its being made, and the interpretation it received at the time it was carried into effect, are considered. This Order in Council is the first Order of King Charles II. that relates to the Island of Guernsey, and is dated less than a twelvemonth after his restoration to the Throne of England, at a period no doubt when, after having in some degree settled the more momentous and pressing matters connected with the state of the mother country, he at last found leisure to turn his attention to the state of the Channel Islands. Up to that date the only steps taken, towards the re-establishment of legitimate authority within the island, had been to send thither two Lieutenant-Governors successively ; one appointed under the hand and seal of General Monk, Commander of His Majesty's forces, and the other by His Majesty himself, neither of whom appears to have taken any Oath of Office ; and the nomination by His Majesty of a Bailiff and afterwards of a Governor, both of whom however still remained in England. The Court had been suffered to administer as usual the business of their department ; but such a state of things could only be considered as provisional, for the authority of the Jurats who had assumed office during many preceding years was unconstitutional and defective ; such being the case it behoved His Majesty, as the sole head and origin of all authority, to lay anew the foundation of local Government and administration, and by an extraordinary exercise of the Royal Prerogative (of which, as of the occasion

which made it necessary, no other instance can be found on our Records), he proceeded to reconstitute altogether the local authorities; accordingly besides the appointment of a new Governor, Lieut.-Governor and Bailiff, which had been done before by the 2nd article of the Order in Council in question, twelve persons therein named are further appointed to be Jurats of the Royal Court; of these, five were already Jurats at the time, but no notice is taken of that fact; they were again sworn into office and held the same solely in virtue of the Royal appointment, and not by reason of their former election by the States under an unlawful and unconstitutional Government. The above remarks are sufficient to shew what was at that period the state of the island, and that being kept in view, it will appear evident, by the mere perusal of the remaining articles of the same Order, that each of them was framed to meet some exigency peculiar to the time, and was never intended to introduce a general law for observance on every future occasion. Among these the 8th Article could not have contemplated any alteration in the form and tenor of the Guernsey Oaths of Office, which were not under consideration at all; its true object was to exact a new and additional pledge of fidelity to the Sovereign from persons then entrusted with offices of power and authority, a measure of security which might well be thought indispensable at a moment when the legitimate rule of the Sovereign was in the act of being restored after sixteen years of republican usurpation. It is clear from the Records of that period that such was actually the sense in which the 8th Article was understood. On the 2nd May 1661 the newly-appointed Bailiff and Jurats were sworn into office, and two days after, the King's Procureur and Comptroller, the King's Prévôt and his Deputy and the King's Sergeant and his Deputy were also

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sworn. On both occasions the several Oaths of Office were first administered in the usual form, and afterwards the English Oaths of Allegiance and Supremacy were taken in compliance with the Order in Council. The inference to be drawn from these facts is the stronger because the Royal Court of that day, consisting as it did wholly of persons just chosen and appointed by His Majesty, must have been anxious to carry the Royal Orders into effect according to their true intent and meaning; indeed their Ordinance of the 15th May 1661, passed only thirteen days after the registration of the Order in Council and their own installation into office, whereby they issue directions pursuant to the 5th Article of the same Order, may be cited as a proof of their readiness to enforce His Majesty's Commands to the fullest extent: and surely if they had thought it had been intended by the 8th Article to substitute the English Oaths of Allegiance and Supremacy to the expressions of loyalty contained in the Guernsey Oaths of Office, it is difficult to conceive a reason why they should not have proceeded to effect the change with the same promptitude as in the case just cited. These considerations appear to the Royal Court to lead to the conclusion that the 8th Article of the Order of King Charles II. was meant only to apply to the particular circumstances of the year 1661. Should it however be deemed otherwise, should it be considered that the 8th Article, unlike the rest of the Order, had the effect of a permanent Ordinance, still this view of the question would in no degree strengthen the case of the Petitioners. If the 8th Article were still in force, it might indeed require the Oath of Allegiance and Supremacy to be administered in addition to the Oath of Office, as was done in the year 1661; but the form of the Oath of Office itself would be nowise affected thereby. The Court most respectfully submit

the foregoing observations, trusting that in adhering to the general tenor of an ancient and venerable form they have in nowise acted contrary to the Order in Council of 1660, and that in other respects, both as to what they have done and what they have refused to do, they have only performed their duty towards Her Majesty and the community at large.'

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"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Orders of Reference, this day took the said Petitions and answers of the Royal Court of Guernsey into consideration, together with a report of Her Majesty's Attorney and Solicitor General thereon (to whom their Lordships had referred the whole matter), and agree humbly to report as their opinion to Your Majesty that the Royal Court of the Island of Guernsey has no power to make, alter, and enforce the taking of Oaths, without first submitting such Oaths, so made or altered, for Your Majesty's approval. And that no authority appears to exist for the alteration of the Oath in question by the Royal Court. And further their Lordships humbly represent to Your Majesty that it may be advisable for Your Majesty to disallow the said Act of the Royal Court of Guernsey of the 31st May 1845."

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof. And Her Majesty is further hereby pleased to declare Her disallowance of the Act of the Royal Court of the Island of Guernsey of the 31st May 1845. And to order and direct that this Order be entered upon the Register of the Royal Court of the Island of Guernsey, and observed accordingly. Whereof the Lieut.-Governor of the Island of Guernsey, the Bailiff and

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Jurats of the Royal Court, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

(*Enregistré sur les Records le 10 Mars 1847.*)

AT THE COURT AT BUCKINGHAM PALACE
the 27th day of February 1847

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &C.

Serment de
Connétable et
d'Assistant-de-
Connétables.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 25th of this instant February, in the words following, viz. :—

“Your Majesty having been pleased, by Your Order in Council of the 19th of December 1846, to refer unto this Committee two Acts of the Royal Court of the Island of Guernsey of the 5th of October 1846, for altering the Oaths of Office to be taken by the Constables and Assistant-Constables in the said island.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said two Acts into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said Acts.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order as it is hereby ordered, that the said two Acts (translations whereof are hereunto annexed) be, and they are hereby, approved and ratified accordingly.

Whereof the Lieutenant-Governor of the Island of Guernsey for the time being, the Bailiff and Jurats of the Royal Court of the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

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C. GREVILLE.

No. 1.

At the Chief Pleas after Michaelmas, held the 5th October 1846, before Peter Stafford Carey, Esq., Bailiff; present, &c.

Considering that some alterations in the Oath of the Constables, such as it has existed for a very long time, are essentially required, both by the times and actual circumstances, and particularly in consequence of the reform in the States, as will appear by the perusal of the said Oath, which is as follows :—

“ You swear upon the Holy Gospels and promise by the faith you owe to God, that you will well and faithfully discharge the office and charge of Constable of the Parish of _____, unto which you have been chosen, and are at present in this place approved of and received according to the duties of the said office in general and particularly on the following heads :—

“ 1st. You shall promote the advancement of the glory of God, maintain the religion by the grace of God reformed and established in this place, according to the Laws of the Church of England, and encourage good morals.

“ 2nd. You shall be all your lifetime a faithful and loyal subject to our legitimate Sovereign Lady Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, and to Her noble Heirs and Successors, and acknowledge Her said Majesty at once, under God, supreme Chief and Governor over all persons and in all Her Kingdoms and Dominions, in all matters Ecclesiastical and Civil.

“ 3rd. You shall do all in your power to maintain the good, the peace, and the tranquillity of this island in general, and of your parish in particular.

“ 4th. As to the particular duties of your office, you shall honour, respect, and pay due obedience to the Magistrates of this island, particularly to the Governor, the Bailiff, the

1847.

Lieutenant-Bailiff and the Jurats, honouring them yourself and causing them to be honoured by others by your example, each of them according to his rank and quality, and in executing and causing to be executed the political Ordinances and Judgments of the Magistrates and the States of this island, as much as the duty of your office shall make it expedient for the service of Her Majesty, and the maintenance of the good and public tranquillity of this State.

“5th. You shall keep and, as far as in you lies, shall cause to be kept and maintained the Laws, Liberties, Franchises, and Privileges of these Islands, and for this effect you shall endeavour to obtain good information on the matter as much as shall be necessary for the good and faithful discharge of your said Office.

“6th. With regard to your particular duty as a Member of the States whereunto you are admitted, you shall diligently assist thereat when summoned, give your own counsel and advice, and report that of your parish, the whole faithfully and conscientiously, having chiefly in view the Glory of God, the service of your Princess, and the public good of this State, keeping secret the things that there shall be treated, until by general consent it shall be allowable to reveal them, conforming yourself peaceably to the decision of the majority of votes.

“7th. As regarding your parish, you shall endeavour to discover and bring to Justice all delinquents against the above Law and Ordinances, you shall advance the Glory of God, the public good, and faithfully manage the public money, in order to give a just account thereof whenever called upon so to do.”

GOD SAVE THE QUEEN.

Considering, that by the Order of Her Most Gracious Majesty in Council of 6th July 1846, it appears that the Royal Court has no power to make, change, or impose Oaths, without having previously submitted such Oaths thus made or changed to the approval of Her said Gracious Majesty.

THE COURT, having hereupon heard the conclusions of Her Majesty's Law Officers, has ordered that the present Act shall be transmitted to Her Most Gracious Majesty in Council, with the humble prayer that Her said Majesty would be graciously pleased to order, that every Constable before entering upon office

shall take the following Oath, and shall not be bound 1847.
to take any other Oath :—

“ You swear by the Holy Gospels, and promise by the faith and oath you owe to God, that you will well and faithfully discharge the office and charge of Constable in the parish of _____, to which you have been chosen, and are here approved of and received, according to the duties of such office, conformably to the Laws and Customs of this island. So help you God !”

Serment de
Connétable.

GOD SAVE THE QUEEN.

No. 2.

*At the Chief Pleas after Michaelmas, held the 5th
October 1846, before Peter Stafford Carey, Esq.,
Bailiff; present, &c.*

Considering, that by an Ordinance passed at the Michaelmas Chief Pleas 1736, the Constables of the Town and Parish of St. Peter-Port were authorised to present to the Court, in order to be sworn, some Assistant-Constables chosen for this purpose by the Douzaine of the said town and parish.

Considering, that by another Ordinance of the Michaelmas Chief Pleas of 1799, the following form of Oath was framed and established to be taken by the said Assistant-Constables before entering office :—

“ You swear upon the Holy Gospels, and promise by the faith you owe to God, that you will well and faithfully execute the office and charge of Assistant-Constable in the Town and Parish of St. Peter-Port, and particularly on the following heads which shall be the rule of your authority and of the duties imposed on and annexed to your said office, viz. :—

“ 1st. That you shall promote the advancement of the Glory of God, maintain the religion by the Grace of God reformed and established in this place according to the Laws of the Church of England, and encourage good morals.

“ 2nd. That you shall be all your life a faithful and loyal subject to our August and Legitimate Sovereign Lady Victoria, by the Grace of God Queen of Great Britain and Ireland, Defender of the Faith, &c., and to Her Noble Heirs and Successors.

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“3rd. That you shall honour, respect, and obey the Magistrates of this island, particularly the Governor, the Bailiff, the Lieutenant-Bailiff, or other Chief Magistrates for the time being, and the Jurats, honouring them yourself and causing them to be honoured by others by your example.

“4th. That you shall do all in your power to maintain the good, the peace and tranquillity of your town and parish, and as much as in you lies you shall observe the Laws and Ordinances of the Royal Court, and shall endeavour to discover all delinquents and transgressors of the said Laws and Ordinances, and shall inform the Chief Magistrate and the Law Officers of the Crown of all crimes and delinquents which shall come to your knowledge, in order that they may be brought before Justice.

5th. That you shall keep good and faithful accounts of the public money that shall be confided to your keeping, and that you shall render a faithful account thereof to whom it may appertain whenever required.”

GOD SAVE THE QUEEN.

Which said Ordinance and Oath therein contained, have been and still continue in force to the present time.

Considering, the alterations proposed to be made in the form of Oath of Constables, for the reasons specified in the present Act.

Considering, that it is essential that the form of the Oath of the Assistant-Constables should be conformable to that of the Constables.

THE COURT, after having hereupon heard the conclusions of the Law Officers of the Crown, has ordered that the present Act shall be transmitted to Her Most Gracious Majesty in Council, with the humble prayer that Her Majesty would be graciously pleased to order that every Assistant-Constable before entering upon office shall take the following Oath, and shall not be bound to take any other :—

Serment
'Assistant-de-
onnétables.

“ You swear by the Holy Gospels, and promise by the faith and the oath you owe to God, that you will well and faithfully discharge the office and charge of ‘ Assistant Constable’ in the Parish of _____, to which you have been chosen and are now received according to the duties of

such office conformably to the Laws and Customs of this island. So help you God. ”

1847.

GOD SAVE THE QUEEN.

(Enregistré sur les Records le 31 Juillet 1847.)

AT THE COURT AT BUCKINGHAM PALACE

the 22d day of July 1847

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated this day, in the words following, viz. :—

Testaments de
Meubles,
Testaments
d'Immeubles,
Prescription,
Garantie.

“YOUR MAJESTY having been pleased, by Your Order in Council of the 17th of June last, to refer unto this Committee a letter from the Bailiff of the Island of Guernsey, with four Projects of Law, adopted by the Royal Court of that island on the 12th of April last, and approved by the States on the 7th of May last, viz. : 1. Relating to prescription or limitation as applied to claims relating to personalty ; 2. Regulating the form of Wills for the disposal of personal estates ; 3. Relating to the dividing of real property. 4. Relating to the Law of Guarantee, as it exists in Guernsey :

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Projects of Law into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the same.”

HER MAJESTY, having taken the said Report into consideration, was pleased by and with the advice of Her Privy Council to approve thereof, and of the

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four Projects of Law thereunto annexed. And Her Majesty doth hereby direct that this Order, together with the said Projects of Law (copies whereof are hereunto annexed), be entered upon the Register of the Royal Court of the Island of Guernsey, and observed accordingly. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief, the Bailiff and Jurats of the Royal Court of the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

TESTAMENTS DE MEUBLES.

Aux Etats de l'île de Guernesey, tenus le 7 Mai 1847, devant Monsieur le Bailiff; présents, etc.

Lesdits Etats ont délibéré et décidé :—

Qu'ils sont d'avis d'approuver le Projet de Loi par rapport aux Testaments de Meubles.

Aux Chefs Plaids d'après Pâques, tenus le 12 Avril 1847, devant Monsieur le Bailiff; présents, etc.

LA COUR, ouïes les conclusions des Officiers de la Reine, a adopté le Projet de Loi suivant, ayant rapport aux Testaments de Meubles, lequel elle a résolu de soumettre aux Etats de cette île, afin que, dans le cas où ils en approuvent, il soit transmis à Sa Majesté en Conseil, pour sa sanction royale :—

1.—Aucun testament de meubles (à l'exception des testaments de militaires employés dans le service actif et des testaments faits par des marins dans le cours d'un voyage) ne sera valable, à moins qu'il ne soit par écrit.

2.—Le testament olographe ne sera point valable, s'il n'est écrit en entier, signé à la fin, et daté de la main du testateur.

3.—Tout testament par écrit, qui n'est point ologra-

phe, sera signé à la fin par le testateur ; sa signature se fera, ou il la reconnaîtra, en présence de deux témoins, tous deux présents en même temps, lesquels attesteront sa dite signature en apposant leur signature auprès de la sienne.

4.—En cas qu'un testateur ne sache point écrire, ou soit empêché d'écrire par faiblesse de corps ou autrement, il pourra signer en faisant sa marque à la fin du testament.

5.—En cas qu'un testateur ne soit capable, par quelque cause que ce soit, ni d'écrire son nom ni de faire sa marque, il pourra faire signer le testament par quelque autre personne pour lui, laquelle personne signera en présence des témoins, auxquels le testateur déclarera en même temps reconnaître telle signature. Tout individu qui serait incapable d'être témoin d'un testament, sera incapable de signer pour le testateur.

6.—Tout individu qui aura atteint l'âge de quatorze ans pourra être témoin d'un testament, à l'exception du mari, de la femme, et des descendants du testateur. L'individu désigné dans le testament comme exécuteur pourra y être témoin.

7.—Tout legs, à quelque titre que ce soit, fait dans un testament à un individu qui y signera comme témoin, ou au mari ou à la femme de tel individu, sera nul et de nul effet.

8.—Aucune pièce n'aura l'effet de révoquer un testament, en tout ou en partie, à moins qu'elle ne soit revêtue des mêmes formalités qu'un testament.

9.—Les codiciles seront sujets aux mêmes règles que les testaments.

10.—Les legs faits par un testateur à ses enfants ou petits enfants ne deviendront point caducs par le prédécès de ces enfants ou petits enfants, dans le cas où ils laisseront des descendants ; mais ces descendants recevront lesdits legs à la représentation

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des légataires désignés au testament, à moins que le testateur n'ait exprimé dans le testament une intention contraire.

11.—Cette loi ne sera point applicable aux testaments qui auront été faits avant la promulgation de la présente loi, par son enregistrement sur les records de cette île, après qu'elle aura reçu la sanction de Sa Majesté en Conseil.

TESTAMENTS D'IMMEUBLES.

Aux Etats de l'île de Guernesey, tenus le 7 Mai 1847, devant Monsieur le Baillif ; présents, etc.

Lesdits Etats ont délibéré et décidé :—

Qu'ils sont d'avis d'approuver le Projet de Loi par rapport aux Testaments d'Immeubles.

Aux Chefs Plaids d'après Pâques, tenus le 12 Avril 1847, devant Monsieur le Baillif ; présents, etc.

LA COUR, ouïes les conclusions des Officiers de la Reine, a adopté le Projet de Loi suivant, ayant rapport à la disposition d'Immeubles par Testament, lequel elle a résolu de soumettre aux Etats de cette île, afin que dans le cas où ils en approuvent, il soit transmis à Sa Majesté en Conseil, pour sa sanction royale :—

1.—Toute personne qui ne laissera pas de descendants, pourra disposer, par testament, de tous ses immeubles, de quelque nature qu'ils soient, en suivant les formalités requises pour les testaments d'immeubles.

2.—Sera rappelé l'Article 14 de la loi sanctionnée par Sa Majesté, par son Ordre en Conseil, en date du 13 Juillet 1840.

3.—Néanmoins, demeurera ledit Article en force par rapport à toute disposition, soit par testament, soit par donation à cause de mort, laquelle sera faite avant le premier jour de Janvier 1848 ; et ne sera cette présente loi en force qu'à dater dudit jour.

PRESCRIPTION TRENTENAIRE.

1847.

Aux Etats de l'île de Guernesey, tenus le 7 Mai 1847, devant Monsieur le Baillif ; présents, etc.

Lesdits Etats ont délibéré et décidé :—

Qu'ils sont d'avis d'approuver le Projet de Loi par rapport à la Prescription Trentenaire.

Aux Chefs Plaidés d'après Pâques, tenus le 12 Avril 1847, devant Monsieur le Baillif ; présents, etc.

LA COUR, ouïes les conclusions des Officiers de la Reine, a adopté le Projet de Loi suivant, ayant rapport à la Prescription Trentenaire, lequel elle a résolu de soumettre aux Etats de cette île, afin que, dans le cas où ils en approuvent, il soit transmis à Sa Majesté en Conseil, pour sa sanction royale :—

1.—Toutes choses mobilières et actions personnelles qui se prescrivent maintenant par le laps de trente ans seront à l'avenir prescrites par le laps de dix ans.

2.—Les prescriptions commencées à l'époque de la promulgation de la présente loi (par son enregistrement sur les Records de cette île, après qu'elle aura reçu la sanction de Sa Majesté en Conseil) seront réglées conformément aux lois précédemment en force. Néanmoins, les prescriptions alors commencées et pour lesquelles il faudrait encore, suivant lesdites lois, plus de dix ans, à compter de la même époque, seront accomplies par ce laps de dix ans.

 GARANTIE.

Aux Etats de l'île de Guernesey, tenus le 7 Mai 1847, devant Monsieur le Baillif ; présents, etc.

Lesdits Etats ont délibéré et décidé :—

Qu'ils sont d'avis d'approuver le Projet de Loi par rapport à la Garantie.

1848.

Aux Chefs Plaids d'après Pâques, tenus le 12 Avril 1847, devant Monsieur le Baillif; présents, etc.

LA COUR, ouïes les conclusions des Officiers de la Reine, a adopté le Projet de Loi suivant, ayant rapport à la Garantie, lequel elle a résolu de soumettre aux Etats de cette île, afin que, dans le cas où ils en approuvent, il soit transmis à Sa Majesté en Conseil, pour sa sanction royale :—

L'obligation créée ou stipulée sur les héritages futurs de la partie obligée, ou de ses hoirs, ne donnera lieu à aucun appel en garantie contre un tiers acquéreur de tels héritages.

Ne sera cette loi en force par rapport à aucune obligation créée ou stipulée par un contrat ou autre titre qui sera enregistré au Greffe avant le premier jour de Janvier 1848.

(Enregistré sur les Records le 26 Août 1848).

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 11th day of August 1848

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Jurisdiction
Criminelle
de l'île
d'Auregny.*

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th of this instant, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 27th of June last, to refer unto this Committee a Petition of the Royal Court of the Island of Guernsey, setting forth :—That the Island of Alderney forms a part of the Bailiwick

* Voir l'Ordre en Conseil du 9 Mars 1850, enregistré sur les Records le 27 Juillet 1850.

of Guernsey :—That by the Constitution of that island it has a Court composed of a Judge named by the Crown, and six Jurats elected by the Commonalty from among the most respectable inhabitants :—That the Court of Alderney has a Local Jurisdiction in Civil Matters, and that an Appeal lies from its decisions to the Royal Court of Guernsey :—That the said Court of Alderney has no Criminal Jurisdiction, and that all Crimes and Misdemeanours committed in Alderney must be referred to the Royal Court of Guernsey, both for committal when that is necessary, and for trial :—That the 10th Article of the Rules and Regulations of the Royal Commissioners anno 1585 is as follows : ‘ Ordered that the Jurats of Alderney shall exercise and administer justice of all causes arising in the said island according to their privileges : and shall admit the Appeals and refer the Criminal causes to the Royal Court of Guernsey, before the Bailiff and Jurats of the Island of Guernsey, as has been accustomed ; and shall regulate their judgments and proceedings according to the laws and constitutions used in the Island of Guernsey ; and of all the proceedings and judgments done and passed by the said Jurats, shall keep a true and legal record as they shall answer the contrary.’ That the necessity of sending to Guernsey all persons under Criminal accusation of any kind is the cause of much inconvenience and delay, and moreover entails considerable expense on the Crown, and it is especially felt as a grievance in cases of persons accused of petty offences punishable by fine or imprisonment :—That it has also been complained of as a great hardship that witnesses should be compelled, even in the winter season when the passage between the islands is often stormy and dangerous, to leave Alderney and appear before the Royal Court in Guernsey for the sake of

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giving evidence in petty cases :—That in consequence of the number of labourers and others, not natives of the island, who have been attracted thither by the public works now in progress, cases of assault and battery, and other minor offences, are of more frequent occurrence than formerly, and that the want of a sufficient local authority to repress the tendency to disorder and crime is severely felt :—That in the Island of Guernsey, the Cour Ordinaire, composed of the Bailiff and two or more Jurats of the Royal Court, sitting as the Court of Police, has power of summary conviction, and of punishing by an imprisonment not exceeding one month, or by a fine, which, except in peculiar cases, rarely exceeds £30 Tournois (£2 2s. 10d. Sterling) :—That the Royal Court desire humbly to submit that Your Majesty would confer a great public benefit upon the Island of Alderney, if Your Majesty would be graciously pleased to grant to the Court of Alderney a Criminal Jurisdiction in matters of police, of the same nature as that which belongs to the Cour Ordinaire of Guernsey :—That in case Your Majesty should think proper to grant such Criminal Jurisdiction to the Court of Alderney, the Royal Court beg humbly to suggest that it would be expedient to limit the amount of the punishment that the Court of Alderney would have power to award, to one month's imprisonment or a fine of £70 Tournois (£5 Sterling) :—And praying Your Majesty would be pleased to grant to the Court of Alderney Criminal Jurisdiction in all matters of Police, with power of summary conviction and of punishing by imprisonment for any time not exceeding one month, or by a fine to an amount not exceeding £70 Tournois (£5 Sterling).

now ?

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into

consideration, and agree humbly to report that it may be advisable for Your Majesty to order and direct the Royal Court of the Island of Guernsey to pass and transmit to this office, for Your Majesty's approval, an Ordinance granting to the Court of Alderney Criminal Jurisdiction in all matters of Police, with power of summary conviction and of punishing by imprisonment for any time not exceeding one month, or by fine to an amount not exceeding £70 Tournois (£5 Sterling).”

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HER MAJESTY, having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, that the Royal Court of the Island of Guernsey do forthwith pass and transmit to the office of Her Privy Council, for Her Majesty's approval, an Ordinance granting to the Court of Alderney Criminal Jurisdiction in all matters of Police, with power of summary conviction and of punishing by imprisonment for any time not exceeding one month or by fine to an amount not exceeding £70 Tournois (£5 Sterling). Whereof the Bailiff and Jurats of the Royal Court of Guernsey, and all other persons whom it may concern are to take notice and govern themselves accordingly.

W. L. BATHURST.

(Enregistré sur les Records le 24 Février 1849.)

AT THE COURT AT WINDSOR
the 15th day of January 1849

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS it is desirable that the execution of Sentences of the Royal Court of Guernsey in Criminal Cases should be stayed, upon a notification from one

Sur l'effet
d'une
Notification
par un des
Principaux
Secrétaires
d'Etat de
l'intention de
Sa Majesté de
remettre ou de
mitiger une
sentence de la
Cour Royale.

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of Her Majesty's Principal Secretaries of State, that it is the intention of Her Majesty to remit or mitigate the punishment to be inflicted, or that the propriety of remitting or mitigating such punishment is intended to be submitted to Her Majesty for Her Royal consideration ; but doubts have arisen as to whether the said Royal Court can at present lawfully give effect to such a notification :—Now, therefore,

HER MAJESTY doth hereby, by and with the advice of Her Privy Council, declare, order and direct, that whenever it shall be notified in writing under the hand of one of Her Majesty's Principal Secretaries of State, that it is the intention of Her Majesty to remit, or mitigate the punishment to be inflicted under the sentence of the said Royal Court in any Criminal Case, or that the propriety of remitting or mitigating any such punishment is submitted, or intended to be submitted, to Her Majesty for Her Royal consideration, it shall be lawful for the said Royal Court, and the said Court is hereby required, upon the receipt of any such notification, or upon such notification being communicated to the Court by the Governor or Lieutenant-Governor of Guernsey, to stay the execution of the Sentence referred to in the notification so received or communicated, until the arrival of a warrant under Her Majesty's Royal Sign Manual for mitigating or remitting the punishment, or until the arrival of a further notification of Her Majesty's Pleasure.

And it is hereby further ordered, that this Order shall be entered in the public Registry of the Royal Court of the Island of Guernsey, whereof the Bailiff and Jurats of the said Royal Court, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST:

(*Enregistré sur les Records le 24 Mars 1849.*)

1849.

AT THE COURT AT BUCKINGHAM PALACE
the 1st day of March 1849.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

(Report of the Right Honourable the Lords of the
Committee of Council for the Affairs of Guernsey
and Jersey, dated the 1st March 1849):—

HER MAJESTY having taken the said Report into Impôt.
consideration was pleased, by and with the advice of Her
Privy Council, to approve thereof, and to sanction and
allow the States of the Island of Guernsey to continue
to levy for a period of fifteen years from the twenty-eighth
day of February one thousand eight hundred and forty-nine
an Impôt or Duty of one shilling per gallon on all spirituous
liquors consumed in the said island, on condition that
the sum of £9,095 payable to the Ordnance Department on
account of the fortifications of the island,* and the sum
of £4,700 required for the construction of Arsenals,† shall
be applied to those objects in the course of the said period,
and shall form a primary charge upon the proceeds of the
Impôt; and also that sums of not less than £200 towards
the maintenance, and of £50 towards the repairs of Elizabeth
College, and of £450 for the support of Public Schools
in the Country parishes, shall be paid from the Impôt during
each of the fifteen years of its continuance. Whereof the
Lieutenant-Governor of the Island of Guernsey, the States
of the said island, and all other Her Majesty's subjects
within the same, are to take notice and govern themselves
accordingly. C. GREVILLE.

(*Enregistré sur les Records le 26 Mai 1849.*)

AT THE COURT AT BUCKINGHAM PALACE
the 21st day of May 1849

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

(Report of the Right Honourable the Lords of the Pavage de la
Committee of Council for the Affairs of Guernsey Ville.
and Jersey, dated the 12th May 1849):—

* Voir la délibération des Etats en date du 7 Mai 1847.

† Voir la délibération des Etats en date du 9 Février 1849; voir aussi
l'Ordre en Conseil du 30 Juillet 1849, enregistré sur les Records le
1er Octobre 1849.

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HER MAJESTY having taken the said report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to permit and authorise the *Chefs de Famille* of the Town and Parish of St. Peter's-Port, Guernsey, during the years 1849, 1850 and 1851, to apply, from time to time, out of the rates levied by them on the inhabitants of the said Parish, such sums of money as may be required for defraying one third of the expense of new paving the streets of the said Town, and repairing the pavements thereof, on condition that the States of the said island do pay another third of such expense. And the Lieutenant-Governor of the Island of Guernsey, the States of the said island, and all other persons concerned, are to take notice hereof and govern themselves accordingly.*

WM. L. BATHURST.

(Enregistré sur les Records le 1er Octobre 1849.)

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 30th day of July 1849

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

† (Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 28th July 1849):—

Fortifications
de cette Ile
cédées au
Gouvernement.

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed. And Her Majesty is hereby pleased to ratify the said arrangement,‡ with the

* L'autorisation contenue dans cet Ordre fut renouvelée de temps en temps par plusieurs Ordres en Conseil, desquels le dernier expira en l'année 1863. Ensuite, un Projet de Loi pour l'Entretien des Rues de la Paroisse de St. Pierre-Port fut ratifié par un Ordre en Conseil en date du 3 Mars 1873, enregistré sur les Records le 15 Mars 1873, et renouvelé avec certaines modifications par un Ordre en Conseil du 26 Mars 1873, enregistré sur les Records le 13 Avril 1878.

† Voir l'Ordre en Conseil du 1er Mars 1849, enregistré le 24 Mars 1849.

‡ C'est-à-dire que jusqu'à l'expiration du temps fixé pour le paiement des frais de construction de l'Arsenal, les paiements pour le compte des fortifications autorisés par la délibération des Etats en date du 7 Mai 1847 demeurent suspendus.—Délibération des Etats en date du 9 Février 1849.

L'accord entre les autorisés du Gouvernement de Sa Majesté et les autorisés des Etats de cette Ile fut enregistré sur le Livre des Contrats pour la date du 24 Janvier 1850. La Délaiissance des Fortifications fut faite par les autorisés des Etats aux officiers principaux du département

1849.

exception that Her Majesty is pleased to direct that the payment of the sum of £9,095 14s. 9d., therein mentioned, should be made to the principal Officers of Her Majesty's Ordnance, and not to the Lords of Her Majesty's Treasury as stated in the said Petition. And Her Majesty is further pleased to authorise Major-General John Bell, the Lieutenant-Governor of the Island of Guernsey, Charles De Jersey, Esquire, Her Majesty's Procureur, John De Havilland Utermarck, Esquire, Her Majesty's Comptroller, and Daniel Tupper, Esquire, Her Majesty's Receiver-General in the said island, or other the Lieutenant-Governor, Procureur, Comptroller, or Receiver-General respectively for the time being in the said island, on behalf of Her Majesty's Government, to pass such judicial contract or deed of transfer as may be necessary to carry into effect the arrangement entered into by the States of Guernsey and Her Majesty's Government. And Her Majesty is further pleased to declare that, from and after the passing of the said Contract, the States of Her Majesty's Island of Guernsey, and the inhabitants of the said island, shall be for ever quit, freed and absolved from all corvées, costs and charges, and from all liability to contribution, in any way whatsoever, for or towards the erection or maintenance of any works or buildings now existing, or which may hereafter be deemed necessary for the military defence of the said island.

And the Lieutenant-Governor of the said island, the States, the Bailiff and Jurats of the Royal Court for the time being of the said island, and all other persons whom it may concern, are to take notice hereof and govern themselves accordingly.

C. GREVILLE.

de Sa Majesté dit "*The Honourable the Board of Ordnance*," le 3 Octobre 1851, et fut enregistrée sur le Livre des Contrats pour la date du même jour et an.

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(Enregistré sur les Records le 13 Octobre 1849.)

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 6th day of October 1849

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

De l'Office du
Sergent.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 5th of this instant October, in the words following, viz. :—

“ Your Majesty having been pleased by your Order in Council of the 21st May last, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth:—That much inconvenience has been occasioned, within Your Majesty's Island of Guernsey, from the number of ‘Sergents’ having each within the limits of a particular Fief certain exclusive powers with reference to the service of summonses and the execution of other civil process:—That for the purpose of remedying the same, the Royal Court of the said Island of Guernsey, at the Easter Chief Pleas, holden on the first day of May in the year One Thousand Eight Hundred and Forty-eight, framed and passed an Ordinance, subject to the approbation of the States and the sanction of Your Majesty in Council :—That the said Ordinance was, on the 18th day of August in the said year 1848, submitted to the deliberation of the States as a *Projet de Loi*, and that the same, with certain amendments therein made, was then by the said States approved in the form set forth in the Schedule thereunto annexed and intituled ‘*De l'Office du Sergent*’ :—And humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction thereto.

“THE LORDS OF THE COMMITTEE in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and Projet de Loi into consideration, and humbly report as their opinion to Your Majesty that it may be advisable for Your Majesty to sanction and confirm the said Projet de Loi.”

1849.

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to ratify and confirm the said Projet de Loi, and to order, as it is hereby ordered, that the same (copy whereof is hereunto annexed) together with this Order be entered upon the Register of the Island of Guernsey, and observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty’s Officers for the time being in the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

DE L’OFFICE DU SERGENT.

Aux Chefs Plaids d’après Pâques, tenus le 1er Mai 1848, devant Pierre-Stafford Carey, écrivain, Baillif; présents, etc.

LA COUR, considérant les difficultés qui se rencontrent journellement dans le service des ajours et autres procédures juridiques, ouïes les conclusions du Procureur de la Reine, moyennant l’approbation des Etats et la sanction de Sa Majesté en Conseil, a ordonné et ordonne :—

1.—Qu’à l’avenir le Sergent de la Reine, vertu de son office, aura le droit de faire ou de servir dans toute l’étendue de cette île, tous ajours, namiments, exploits et autres pièces et procédures juridiques quelconques,

1849.

qui d'après loi et coutume doivent être présentement faits ou servis par un Sergent, et que tout ajour, namiement, exploit, pièce ou procédure juridique ainsi fait ou servi sera bon et valable tant en cour que dehors.

2.—Que ledit Sergent de la Reine sera à l'avenir tenu et obligé de faire ou de servir par lui-même ou par son Député ou Assistant, tous ajours, namiements, exploits et autres pièces ou procédures juridiques quelconques, qui seront livrés, soit à son bureau ou à son domicile, sur les mêmes peines ou amendes auxquelles les Sergents sont présentement tenus.

3.—Qu'il sera loisible au Sergent de la Reine de faire sermenter des Assistants Sergents pour les paroisses des champs de cette île.

4.—Que ledit Sergent de la Reine au lieu de ses honoraires actuels, recevra à l'avenir dans les cas suivants, comme suit, savoir :—

	Sous.	Den.	Tos.
Pour tous ajours à partie sans relation	11	4	
Pour ajour à partie où il y aura relation	14	0	
Pour tout ajour à témoin	7	0	

5.—Qu'à l'avenir dans les comptes de frais curiaux, les sommes ci-dessus seront chargées pour paiements au Sergent, au lieu des frais actuels.

(Enregistré sur les Records le 13 Juillet 1850.)

AT THE COURT AT BUCKINGHAM PALACE
the 19th day of June 1850

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Des Prêteurs
sur Gages.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 30th day of May last, in the words following, viz. :—

“ Your Majesty having been pleased by Your Order in Council of the 22nd day of March last to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—that no provision had hitherto been made in Your Majesty’s Island of Guernsey for regulating the trade or business of Pawnbrokers :—That for the purpose of supplying this deficiency, the Royal Court of the said island at the Christmas Chief Pleas holden on the twenty-first day of January in the year One Thousand Eight Hundred and Fifty, passed an Ordinance intituled ‘ *Des Prêteurs sur Gages,*’ and that the Bailiff was requested to lay the same before the States in order that, if by them approved, it might be transmitted for the sanction of Your Majesty in Council :—That at a meeting of the States of the said Island of Guernsey, holden on the fifteenth day of February in the said year One Thousand Eight Hundred and Fifty, the said Ordinance was, with certain amendments thereon made, approved by the said States in the form set forth in the Schedule annexed to the said Petition, and humbly praying, in order that the said Ordinance might have force of law within the said Island of Guernsey, that Your Majesty might be graciously pleased to confirm and ratify the same.

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and Ordinance into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to confirm and ratify the said Ordinance.”

HER MAJESTY, having taken the said report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to confirm and ratify the said amended Ordinance intituled “ *Des Prêteurs sur Gages* ” (copy whereof is hereunto

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annexed). And Her Majesty doth hereby further direct that the said Ordinance, together with this Order, be entered upon the Register of the Island of Guernsey, and have full force of law in the said island, and be observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers for the time being in the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

DES PRÊTEURS SUR GAGES.

Aux Chefs Plaids d'après Noël, tenus le 21 Janvier 1850, devant Pierre-Stafford Carey, écr., Baillif; présents, etc.

LA COUR, considérant combien il est important, tant pour la protection des particuliers que dans l'intérêt de la justice publique, d'assujettir à des réglemens les opérations des Prêteurs sur Gages, ouïes les conclusions des Officiers de la Reine, a ordonné et ordonne, moyennant l'approbation des Etats et la sanction de Sa Majesté en Conseil, que les articles suivans seront en force en cette île de Guernesey :—

Défense
d'exercer
métier de
prêteur sur
gages sans
licence.

1.—Il est défendu d'exercer le métier de prêteur sur gages, sans avoir préalablement obtenu une licence de la Cour Royale, sur une pénalité qui ne sera pas moindre de £14 tournois, et n'excédera pas £30 tournois, et après la deuxième infraction sera tout délinquant sujet à une amende, à discrétion de Justice, qui n'excédera pas £140 tournois.

Licence sera
octroyée par
Cour en Corps
sur application
par écrit.

2.—Sera ladite licence octroyée par la Cour en Corps sur l'application par écrit de la personne demandant ladite licence, laquelle application contiendra la description du lieu où elle exercera ledit métier.

3.—Il sera payé pour l'octroi de chaque licence les 1850. mêmes honoraires que ceux payés par les cabaretiers, Honoraires, et détailliers de liqueurs spiritueuses. Il sera aussi payé aux Etats de cette île la somme annuelle de £5 sterling, payable d'avance au 25^e jour de Mars de chaque année. Et faute de paiement audit jour, la licence sera nulle et de nul effet à compter dudit jour.

Et dans le cas d'une licence accordée après l'année commencée à dater du 25 Mars, il sera payé d'avance pour ladite année ladite somme de £5 sterling, déduction faite de £1 5s. pour chaque quartier échu entre ledit jour 25 Mars et le jour auquel ladite licence est accordée.

4.—Toute vente de meubles avec faculté de rachat sera censée prêt sur gage. Vente de meubles.

5.—Tout prêteur sur gages sera tenu de placer, au devant de sa boutique, une enseigne contenant son nom en grands caractères, avec les mots "Prêteur sur Gages" et "*Panmbroker*," sur une pénalité qui ne sera pas moindre de £14 tournois, et n'excédera pas £30 tournois. Enseigne sera placée devant boutique.

6.—Tout prêteur sur gages sera tenu de garder, pour les usages ci-après désignés, un journal anglicé *Day Book*, en conformité d'un exemplaire qui sera déposé au Greffe, sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £30 tournois, et qui n'excédera pas £140 tournois. Prêteur gardera Journal.

7.—Tout prêteur sur gages, en recevant un objet en gage, sera tenu de livrer à la personne qui le met en gage un billet, anglicé *Duplicate*, imprimé sur une carte de la substance et grandeur d'un exemplaire qui sera déposé au Greffe, ledit billet ou *Duplicate*, en langue française ou anglaise, au choix de ladite personne, et contenant ce qui suit :— Billets de prêt sur gage.

Le nom de la personne mettant l'objet en gage.

Sa résidence.

Une description de chaque effet reçu en gage.

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La somme avancée.
 Le taux d'intérêt sur icelle.
 Le terme de dégageabilité.
 La signature du prêteur sur gages.
 Son adresse.

Le tout sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £7 tournois et n'excédera pas £30 tournois.

Minute des
billets sera
gardée.
Restitution.

8.—Tout prêteur sur gages, avant de livrer un billet de prêt sur gages, sera tenu d'insérer dans son journal une minute dudit billet, laquelle minute sera rangée d'après les colonnes désignées dans l'exemplaire mentionné dans l'Article 6. Et ce sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £7 tournois, et qui n'excédera pas £30 tournois ; étant ladite Justice de plus autorisée à ordonner la restitution de tout objet qui aura été détenu en gage sans être inscrit sur le journal.

Minutesseront
séparées.

9.—Chaque minute sera insérée dans le journal, séparément et par ordre numéraire, sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £3 tournois, et n'excédera pas £14 tournois.

Billet sera
daté et
numéroté.

10.—Tout billet de prêt sur gage sera daté du jour de la mise en gage, et numéroté suivant le numéro de la minute qui en est insérée dans le journal. Et tout prêteur sur gages qui livrera un billet de prêt sur gages, sans que ledit billet soit ainsi daté et numéroté, sera passible d'une amende, à discrétion de Justice, qui ne sera pas moindre de £7 tournois, et n'excédera pas £30 tournois.

Terme de
dégageabilité.

11.—Tout objet mis en gage sera dégageable pour le terme de six mois pour le moins, à compter du jour de la mise en gage ; et pourront les parties convenir entre elles pour un plus long terme.

Prêteur rendra
l'objet sur
paiement.

12.—Pendant le terme de dégageabilité, soit légal soit conventionnel, le prêteur sur gages sera tenu de

livrer l'objet à qui droit aura, en recevant le montant de ce qui lui est dû, suivant les conditions de l'engagement ; et s'il ne le fait, il sera passible d'une amende, à discrétion de Justice, qui ne sera pas moindre de £7 tournois, et n'excédera pas £30 tournois ; étant ladite Justice de plus autorisée à ordonner que l'objet sera livré à qui droit aura, à telles conditions qu'elle jugera raisonnables.

13.—Il est défendu à tout prêteur sur gages de recevoir un objet en gage d'un mineur âgé de moins de quatorze ans, ou d'une personne ivre, sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £7 tournois, et n'excédera pas £30 tournois.

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Défense de prêter à mineurs et personnes ivres.

14.—Il est défendu à tout prêteur sur gages d'exercer son métier avant huit heures du matin ou après huit heures du soir, sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £7 tournois, et n'excédera pas £30 tournois.

Défense de prêter entre 8 p.m. et 8 a.m.

15.—Tout prêteur sur gages sera tenu d'avoir une copie imprimée de cette Ordonnance, en langue française et anglaise, affichée dans son magasin, sur une pénalité, à discrétion de Justice, qui ne sera pas moindre de £14 tournois, et n'excédera pas £30 tournois.

Ordonnance sera affichée dans magasin.

16.—Tout Connétable aura un accès libre à toute heure, tant aux magasins qu'aux livres des prêteurs sur gages ; et tout prêteur sur gages qui mettra aucun empêchement à telle visite, ou qui résistera à un Connétable dans l'exercice des devoirs de sa charge, sera passible d'une amende, à discrétion de Justice, qui ne sera pas moindre de £14 tournois, et n'excédera pas £140 tournois.

Connétables auront accès aux magasins et aux livres des prêteurs.

17.—Et seront les susdites amendes applicables quart à Sa Majesté, et trois quarts au délateur.

Application des amendes.

18.—Sera cette Ordonnance intitulée “ Des Prêteurs sur Gages.”

L'Intitulé.

1850.

(Enregistré sur les Records le 27 Juillet 1850.)

AT THE COURT AT BUCKINGHAM PALACE

the 9th day of March 1850

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Jurisdiction
Criminelle en
matière de
Police
accordée à la
Cour de l'Île
d'Auregny.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th of February last, in the words following, viz. :—

“ Your Majesty having been pleased, by Your Order in Council of the 13th February 1849, to refer unto this Committee an Ordinance of the Royal Court of the Island of Guernsey of the 23rd December 1848—‘ For granting Criminal Jurisdiction to the Court of Alderney in Police Cases,’—which Ordinance, not meeting the entire approbation of their Lordships, was remitted back to the said Royal Court, who have since passed an amended Ordinance to the like effect, bearing date the 9th day of February 1850.

“ THE LORDS OF THE COMMITTEE have this day taken such amended Ordinance into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the same.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve and ratify the said amended Ordinance (copy whereof is hereunto annexed). And Her Majesty doth hereby further direct that this Order, and the said Ordinance, be entered upon the Registers of the Island of Guernsey and Alderney respectively, and shall have full force of law, and be observed

accordingly. And the Lieutenant-Governor or Commander-in-Chief for the time being of the Island of Guernsey and its Dependencies, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said island, the Judge and President of the Island of Alderney for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

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WM. L. BATHURST.

A la Cour Royale de l'Île de Guernesey le 9 Février 1850, devant H.-O. Carré, écr., Lieutenant-Baillif; présents, etc.

Sa Très-Excellente Majesté, par Son Ordre en Conseil en date du 11 Août 1848 (lequel fut enregistré sur les Records de cette Île de Guernesey le 25 Août 1848 à quoi recours), ayant enjoint à cette Cour Royale de passer, et de transmettre à Son Très-Honorable Conseil Privé, une Ordonnance accordant à la Cour de l'Île d'Auregny Jurisdiction Criminelle en matière de Police. Et ladite Cour Royale ayant le 23 Décembre 1848 passé une Ordonnance à cet effet, laquelle fut transmise audit Conseil Privé de Sa Majesté. Et les Seigneurs dudit Conseil ayant recommandé que certains amendements fussent introduits dans ladite Ordonnance, LA COUR, ouïes les conclusions des Officiers de la Reine, en rappelant la susdite Ordonnance du 23 Décembre 1848, a ordonné et ordonne, moyennant la sanction de Sa dite Majesté en Conseil, que les Articles suivants seront en force en l'Île d'Auregny. Et est M. le Baillif prié de transmettre la présente Ordonnance auxdits Seigneurs.

1.—La Cour de l'Île d'Auregny aura la connaissance et le jugement de toutes matières de

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Police, échéantes dans l'étendue de la Jurisdiction de ladite Cour.

2.—Seront censées matières de Police :—

Toute infraction de la paix publique ;

Tout vol non qualifié, et sans circonstances aggravantes ;

Tout vol commis par des enfants âgés d'au-dessous de quatorze ans ;

Toute plainte de la part d'un maître contre son apprentif, ou de la part d'un apprentif contre son maître.

3.—Dans toute matière de Police désignée comme dessus, ladite Cour aura le pouvoir de condamner le coupable à un emprisonnement soit simple soit avec travail forcé pour un terme qui n'excédera pas un mois, ou à une amende qui n'excédera pas Septante Livres Tournois (Cinq Livres Sterling).

4.—Dans le cas de condamnation à une amende, ladite Cour sera tenue d'ordonner dans sa sentence qu'à défaut du paiement de ladite amende, le coupable gardera prison pour un terme qui n'excédera pas un mois, lequel emprisonnement cessera par le paiement de ladite amende.

5.—Sera ladite Cour autorisée à exiger d'un inculpé caution, soit pécuniaire soit juratoire, de sa bonne conduite pour un terme qui n'excédera pas An et Jour, et d'ordonner que faute audit inculpé de donner la caution exigée, il gardera prison pour un terme qui n'excédera pas un mois, ou s'il est étranger qu'il vuidera l'île. Et pourra telle caution être exigée, même dans le cas où l'inculpé aurait été condamné par la Cour vertu de l'Article 3 de la présente Ordonnance.

6.—Et ne dérogera cette Ordonnance en rien à la Jurisdiction et Autorité de la Cour Royale de Guernesey sur toute matière criminelle échéante en Auregny.

(Enregistré sur les Records le 21 Décembre 1850.)

1850.

AT THE COURT AT WINDSOR

the 12th day of December 1850

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 11th instant, in the words following, viz. :—

De la
Procédure en
matière de
Félonie et de
Levées de
Corps.

“Your Majesty having been pleased, by Your Order in Council of the 11th November last, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—That by the Law of Your Majesty's Island of Guernsey it is required, as well in criminal trials for serious offences as in ‘Levées de Corps,’ or Inquisitions in case of death, that the witnesses should be heard separately and in private :—That the Royal Court, conceiving it to be for the interests of Justice that on every criminal trial the witnesses should be heard in open Court, and also conceiving it to be desirable that the Court should have the power of hearing witnesses in open Court, in cases of ‘Levées de Corps,’ did, on the 22nd day of June 1850, adopt a *Projet de Loi* in the form set forth in the schedule hereunto annexed, intituled ‘*De la Procédure en cas de Félonie et de Levées de Corps,*’ and did at the same time request the Bailiff to lay the said *Projet* before the States of Your Majesty's said Island of Guernsey, in order that, if by them approved, it might be transmitted for the sanction of Your Majesty in Council :—That the said *Projet* having been accordingly laid before the said States, was by them approved at a meeting of the said States holden on the 4th day of October in the said

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year 1850. Wherefore, in order that the said Project may have force of law, the said States of Your Majesty's Island of Guernsey most humbly pray that Your Majesty may be graciously pleased to grant your Royal Sanction thereto.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, this day took the said Petition of the States of Guernsey, together with the said Project of Law, into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said Project of Law.”

HER MAJESTY, having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Project of Law, and to order, as it is hereby ordered, that the said Project of Law (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats, and all other Her Majesty's Officers in the said island for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

_____ C. GREVILLE.

DE LA PROCÉDURE EN CAS DE FÉLONIE ET DE LEVÉES DE CORPS.

1.—La procédure contre un accusé de félonie, “à se voir adjuger aux peines et punitions imposées par les lois,” sera à l'avenir conforme à la procédure contre un accusé, “à se voir adjuger à telle peine, punition, ou châtiment corporel que la Cour trouvera condigne.”

2.—Ne sera l'article précédent applicable aux trois cas dont la punition est réservée à la Couronne.

3.—En toute Levée de Corps, il sera loisible à la Cour de procéder à l'audition des témoins en séance publique.

1851.

(Enregistré sur les Records le 2 Août 1851.)

AT THE COURT AT BUCKINGHAM PALACE

the 17th day of July 1851

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Jersey and Guernsey, dated the 14th instant, in the words following, viz. :—

De l'Eligibilité
des Douzeniers
de Canton à la
charge de
Douzenier de
Paroisse.

“ Your Majesty having been pleased, by Your Order in Council of the 25th of June last, to refer unto this Committee the humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That no person is now eligible to the office of parochial Douzenier, unless he has previously served the office of Constable :—That in the populous parish of St. Peter-Port this restriction has been attended with inconvenience :—That at the Chief Pleas after Christmas, holden on the 20th day of January in the year 1851, the Royal Court, in order to remedy such inconvenience, passed, subject to the approval of the States and the sanction of Your Majesty, the Ordinance set forth in the schedule to the said Petition annexed intituled ‘ *De l'Eligibilité des Douzeniers de Canton à la charge de Douzenier de Paroisse* ’ :—That at an assembly of the States of the said island, holden on the 9th day of April last, the said States approved the said Ordinance by a resolution to the following effect : ‘ Lesdits Etats ont été d'avis d'approuver l'Ordonnance intitulée *De*

1851.

l'Eligibilité des Douzeniers de Canton à la charge de Douzenier de Paroisse, afin que ladite Ordonnance soit transmise à Sa Très-Excellente Majesté en Son Conseil, pour que la Sanction Royale y soit accordée.' And humbly praying that Your Majesty would be graciously pleased to sanction the said Ordinance, and to ratify and confirm the same.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said order of reference, have this day taken the said Petition and Ordinance accompanying the same into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to ratify and confirm the said Ordinance.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to ratify and confirm the said Ordinance. And Her Majesty doth hereby further direct that the said Ordinance (copy whereof is hereunto annexed) together with this Order, be entered upon the Register of the Island of Guernsey, and have full force of law in the said island and be observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats of the Royal Court and all other Her Majesty's Officers for the time being in the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

DE L'ÉLIGIBILITÉ DES DOUZENIERS DE CANTON
A LA CHARGE DE DOUZENIER DE PAROISSE.

Vu l'Ordonnance de la Cour Royale, en date du 23 Octobre 1676, qui porte, “Qu'aucun à l'avenir ne sera choisi Douzenier en cette ville qu'auparavant il n'ait exercé la charge de Connétable ;”

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Attendu que par la coutume générale de cette île de Guernesey aucun ne peut être choisi Douzenier dans sa paroisse qu'auparavant il n'y ait exercé la charge de Connétable. Attendu que par la nouvelle Constitution des Etats, confirmée par Ordre de Sa Majesté en Conseil en date du 13 Décembre 1844, enregistré sur les Records de cette île le 27 Janvier 1845, la paroisse de St. Pierre-Port a été divisée en quatre Cantons, ayant chacun une Douzaine dont les membres sont de même que les Douzeniers de paroisse membres des Etats ;

Attendu que les Chefs de Famille de la Ville et Paroisse de St. Pierre-Port ont présenté à la Cour une Requête la suppliant de modifier la susdite Ordonnance de 1676, en passant une Ordonnance qui rendrait les Douzeniers de Canton éligibles à la charge de Douzenier de ladite ville et paroisse ;

La Cour, en modifiant ladite Ordonnance de 1676 et en dérogeant à ladite coutume, en ce qui regarde l'éligibilité des Douzeniers de Canton, ouïes les conclusions des Officiers de la Reine, moyennant l'approbation des Etats et la Sanction de Sa Très-Excellente Majesté en Conseil, a ordonné et ordonne ce qui suit :—

1.—Les Douzeniers de Canton, après qu'ils auront été en charge pendant trois ans, seront à l'avenir éligibles à la charge de Douzenier de la Paroisse de St. Pierre-Port, sans qu'ils aient préalablement géré la charge de Connétable, pourvu qu'ils aient les qualifications à ce requises par les lois et coutumes de cette île.

2.—Bien entendu qu'il n'y aura pas à un même temps au-delà de quatre Douzeniers de ladite paroisse qui n'aient géré la charge de Connétable.

3.—Un Douzenier de paroisse qui aura été élu vertu de cette Ordonnance, sans avoir préalablement géré la charge de Connétable, ne sera pas exempté,

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vertu de sa charge de Douzenier, de gérer la charge de Connétable.

4.—Tout et aussi longtemps qu'un Douzenier, soit de Paroisse, soit de Canton, remplira la charge de Connétable, l'exercice de ses fonctions de Douzenier demeurera suspendu.

5.—La charge d'Avocat de la Cour Royale est incompatible tant avec la charge de Connétable qu'avec celle de Douzenier de paroisse.

(Enregistré sur les Records le 2 Août 1851.)

AT THE COURT AT BUCKINGHAM PALACE
the 17th day of July 1851

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Droit d'Appel
de la Cour
d'Auregny à la
Cour Royale
de Guernesey
restreint.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 14th of this instant July, in the words following, viz. :—

“Your Majesty having been pleased, by Your Order in Council of the 5th of May last, to refer unto this Committee the humble Petition of the Royal Court of the Island of Guernsey, setting forth :—That the Royal Court of the Island of Guernsey, holden before the Bailiff of the said island in the presence of the Jurés-Justiciers, or Jurats of the said Royal Court, is Your Majesty's Superior Court of Justice for all matters arising within the several islands constituting the Bailiwick of Guernsey :—That in purely criminal matters the said Royal Court has exclusive jurisdiction throughout the Bailiwick, subject only to the two following exceptions ;—

1. That the Court of the Island of Serk, holden before the Seneschal, has a concurrent jurisdiction in

minor offences arising within the said Island of Serk, with power to award a fine not exceeding Three Livres Tournois (Four Shillings and Three Pence Sterling), or imprisonment for not more than three times twenty-four hours.

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2. That the Court of Alderney, holden before the Judge in presence of the Jurats, has, by an Order of Your Majesty in Council of 9th March 1850, a concurrent jurisdiction in Police cases arising within the said Island of Alderney, with power of awarding a fine not exceeding Seventy Livres Tournois (£5 Sterling), or imprisonment for a term of not more than one month.

* * * * *

“ And Your Majesty having, by an Order of the same date, also referred to this Committee the humble Petition of the States of Your Majesty’s Island of Alderney, setting forth :—That by the law of that Bailiwick, appeals on minor matters are allowed from decisions of the Court of this island to the Royal Court of the Island of Guernsey, let the sum in dispute be ever so small, no limit as to amount being necessary, and cases occur of parties being deterred pressing very possibly just claims, from the dread of an appellate litigation, which in general entails expenses beyond the sum sought to be recovered :—That by the Order of the King’s Most Excellent Majesty in Council of the 13th of May 1823, relating to the Island of Guernsey, it is therein ordered, amongst other matters, that no appeal from the Cour Ordinaire to the Cour des Jugements, and no deposition in writing should be taken, nor appeal allowed, where the sum in dispute does not exceed the amount of One Hundred and Fifty Livres Tournois (£10 14s. 3½d.) and humbly hoping that

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Your Majesty would see cause to limit the right of appeal from the said island Court to that of Guernsey, under the same regulations as those now in force from the Cour Ordinaire to the Cour des Jugements aforesaid.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, this day took the said Petitions into consideration, and agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to order and direct, that henceforth no appeal shall be allowed from the sentence of the Judge and Jurats of the Island of Alderney to the Royal Court of the Island of Guernsey in any cause *en meubles*, when the sum in dispute does not exceed the amount of One Hundred and Fifty Livres Tournois (£10 14s. 3½d.)”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, that henceforth no appeal shall be allowed from the sentence of the Judge and Jurats of the Island of Alderney to the Royal Court of the Island of Guernsey in any cause “*en meubles*,” where the sum in dispute does not exceed the amount of One Hundred and Fifty Livres Tournois (£10 14s. 3½d.). And the Lieutenant-Governor or Commander-in-Chief for the time being of the Island of Guernsey and its Dependencies, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said island, the Judge and Jurats of the Island of Alderney for the time being, and all other persons whom it may concern, are to take notice of Her Majesty’s pleasure hereby signified, and govern themselves accordingly.

WM. L. BATHURST.

(Enregistré sur les Records le 26 Novembre 1851.)

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AT THE COURT AT WINDSOR

the 14th day of November 1851

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 12th of this instant, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your Order in Council of the 25th of June last, to refer unto this Committee a Petition of the States of the Island of Guernsey, setting forth :—That the Harbour of St. Peter's-Port has long been found insufficient and defective :—That Mr. Rendel, C.E., having been consulted by the States, furnished them with a design for the improvement of the said harbour :—That by a resolution, passed at an Assembly holden on 6th June 1851, the States approved the said design :—That according to the said design, the proposed harbour would extend over the sea-shore considerably beyond the limits of the present harbour,—and that certain portions of the shore, as well within the works of the said harbour as along the line of the coast, would be recovered from the sea :—That the works comprehended in the said design are distributed into seven separate and distinct sections :—That by a Resolution, passed at the said Assembly of the 6th of June, the States decided on taking forthwith the necessary measures for executing the works comprised in the first section :—That the cost of the works comprised in the said first section, is estimated by Mr. Rendel at £40,000 :—That for the purpose of raising the requisite funds, the States at the said

Havre de St.
Pierre-Port.
Impôt sur
Vins.
Droits sur
marchandises
importées;
sur navires.
Droit
d'ancrage et
de chainage.
Honoraires du
Maitre de Port

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Assembly, subject to Your Majesty's sanction, approved the table of dues set forth in the Schedule hereunto annexed :—That the dues contained in the said Schedule consist of

- 1° An Impôt on Wine ;
- 2° Certain Dues on Goods imported ;
- 3° Certain Tonnage Dues on Vessels ;
- 4° Anchorage and Chainage Dues ;
- 5° Harbour Master's Fees ;

That it is proposed that, after providing for the costs of collection, the payment of salaries, and the ordinary expenses of the harbour, the net produce of the said dues should be applied exclusively to defray the costs to be incurred in respect of the said works, the execution whereof has been voted as aforesaid ; provided that, as soon as the said costs shall have been wholly defrayed, the authority to levy the said dues shall cease and determine :—That by virtue of certain Royal Charters, certain dues, comprehended under the title of '*La Petite Coutume*,' are vested in the Bailiff and Jurats, the said dues being levied, partly on goods imported and partly on shipping, and being, with some trifling exceptions, payable exclusively by such persons as are not natives of the island, and have not been received as inhabitants thereof :—That by the said Charters, the produce of the said dues is applicable, in the first place, to the keeping up of the harbour, and in the second place, to the general wants of the island :—That by an Act of the Royal Court, bearing date the 21st day of May 1851, the Bailiff and Jurats have declared that, subject to the sanction of Your Majesty, they will be ready, on certain conditions set forth in the said Act, to consent that the said dues, so vested in them as aforesaid, should cease to be levied, as soon as Your Majesty might be pleased to sanction the Tariff of Dues above-mentioned ; and that the produce of the dues

specified in the said Tariff should be applied exclusively to the harbour, until the outlay to be incurred in respect of the works so voted, as aforesaid, should have been defrayed :—That the principal condition on which the Bailiff and Jurats are prepared to give such consent as aforesaid, is as follows :—‘That after the works now voted have been paid for, certain dues specified in the said Act of Court shall be vested in the Bailiff and Jurats in lieu of the *Petite Coutume* ; one portion of the said dues to constitute a special fund for the purposes of the harbour,—another portion, consisting solely of duties on goods imported, to be like the present surplus of the *Petite Coutume*, applicable to the general wants of the island :’—That at the Assembly above-mentioned, the States, subject to the sanction of Your Majesty, assented to the said Act of the Royal Court, and to the provisions therein contained with reference to the Harbour Revenue. And humbly praying that Your Majesty would be graciously pleased to grant to the said States the right to take and occupy so much of the sea-shore as may be required for the site of the new harbour, and to grant to them the freehold of such portions of land as may be recovered from the sea, by means of the works comprised in the design of Mr. Rendel. And that Your Majesty would be graciously pleased to authorise the levying of the dues specified in the tariff, set forth in the Schedule hereunto annexed, on condition that, after providing for the costs of collection, the payment of salaries, and the ordinary expenses of the harbour, the net produce of the said dues shall be applied exclusively to defray the expenditure to be incurred, in respect of the works voted by the said States on the 6th day of June 1851 : provided that, as soon as such expenditure shall have been defrayed, the authority to levy the said dues shall cease and determine.

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“And Your Majesty having also been pleased, by an Order of the above date, to refer unto this Committee a Petition of the Royal Court of the said island, setting forth :—That by a resolution passed at an Assembly, holden on the 6th day of June 1851, the States of Your Majesty’s said Island of Guernsey decided on taking forthwith the necessary measures for executing certain works for the improvement of the Harbour of St. Peter’s-Port :—That the cost of the said works has been estimated at £40,000 :—That for the purpose of raising the necessary funds, the States resolved to present to Your Majesty an Humble Petition, praying that Your Majesty would be graciously pleased to authorise the levying of certain dues, set forth in a Tariff then approved by a vote of the said States :—That the dues contained in the said tariff consist of

- 1° An Impôt on Wine ;
- 2° Certain Dues on Goods imported ;
- 3° Certain Tonnage Dues on Vessels ;
- 4° Anchorage and Chainage Dues ;
- 5° Harbour Master’s Fees ;

That by virtue of certain Royal Charters, certain dues, comprehended under the title of *La Petite Coutume*, are vested in perpetuity in the Bailiff and Jurats of the said Island of Guernsey ; the said dues being levied, partly on goods imported and partly on shipping, and being, with some trifling exceptions, payable exclusively by such persons as are not natives of the island, and have not been received as inhabitants thereof :—

“That by the said Charters, the produce of the said dues so vested in the said Bailiff and Jurats is applicable, in the first place, to the keeping up of the harbour, and in the second place, to the general wants of the island :—That, previously to the holding of the Assembly of the States above mentioned, the

said Bailiff and Jurats, by an Act of Court bearing date the 21st day of May 1851, declared that, subject to the sanction of Your Majesty, they would be ready, on certain conditions in the said Act contained, to consent that the dues, so vested in them as aforesaid, should cease to be levied, so soon as Your Majesty should be pleased to sanction the Tariff of Dues above mentioned, and that the entire produce of the dues specified in the said tariff, should be applied exclusively to the Harbour, until the costs to be incurred in respect of the works so voted by the States, as aforesaid, should have been defrayed :—That after the holding of the said Assembly of the States, the said Bailiff and Jurats, by an Act of Court bearing date the 13th day of June 1851, resolved, in furtherance of the Act of Court before mentioned, to present an Humble Petition to Your Majesty, praying that Your Majesty would be graciously pleased to sanction the provisions therein contained, respecting the Revenue of the Harbour. The Petitioners most humbly pray that, in case the Tariff of Dues humbly presented to Your Majesty by the said States shall receive Your Majesty's sanction, Your Majesty will be graciously pleased to grant to the Bailiff and Jurats of Your Majesty's said Island of Guernsey, authority, from and after the time when the cost of the works so voted by the States, as aforesaid, shall have been defrayed, to levy, in lieu and place of the ancient dues of the *Petite Coutume*, the dues following, to wit :—

One half of the Duty on Goods imported, specified in the said tariff ;

One half of the Tonnage Dues specified in the said tariff ;

The Anchorage and Chainage Dues specified in the said tariff ;

The Harbour Master's Fees specified in the said tariff.

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The said dues to be vested in and levied by the said Bailiff and Jurats, in like manner, and subject to the same charges and conditions, as the said ancient dues of the *Petite Coutume*, provided ;—1° That the produce of the above-mentioned Tonnage, Anchorage and Chainage Dues, and Harbour Master's Fees, shall constitute a special fund for the harbour, and,—2° that the produce of the above-mentioned duties on goods imported, shall stand in lieu of the surplus now remaining of the Harbour Revenue, after payment of the ordinary expenses of the Harbour—and shall be applicable to the wants of the island in general.

“And your Petitioners further most humbly pray, that Your Majesty will be graciously pleased to sanction, order and permit that, from the time when the dues contained in the Tariff of the States shall begin to be levied, the levying of the said ancient dues of the *Petite Coutume* shall cease and determine.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, this day took the said Petitions into consideration, and agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty—first, To grant to the States of the Island of Guernsey licence and authority to occupy so much of the sea-shore as may be required for the site of the New Harbour of St. Peter's-Port :—secondly, To grant to the said States of the said Island of Guernsey the fee and freehold of all such portions of land as may be gained or recovered from the sea, by means of the works comprised in the design of James M. Rendel, Esquire, Civil Engineer, the said States yielding and paying, yearly and every year, into the receipt of Your Majesty's Revenue in the said island, the rent or sum of forty shillings sterling,

at or upon the tenth day of October in every year, the first payment to be made at or upon the 10th day of October 1852, and to empower, authorise, and enjoin the Lieutenant-Governor, the Procureur, and Receiver-General, for the time being in the said island, in Your Majesty's name, and on Your Majesty's behalf, at any time or times hereafter, at the request of the said States, and at their cost, to make, do, and execute every such act, deed, and assurance, as may be requisite for more effectually assuring unto the said States the said several portions of land so recovered, or any part thereof—also to sanction and authorise the levying of the dues specified in the Tariff set forth in the Schedule hereunto annexed : the net produce of the said dues, after providing for the costs of collection, the payment of salaries, and the ordinary expenses of the Harbour, to be applied exclusively to defray the expenditure in respect of the works voted by the said States on the 6th day of June 1851 and the levying of the same dues to cease as soon as such expenditure shall have been defrayed : also to sanction and authorise the Bailiff and Jurats of the Island of Guernsey, from and after the time when the cost of the works, voted by the States of the said island on the 6th day of June 1851, shall have been defrayed, to levy, in lieu and place of the ancient dues of the *Petite Coutume*, the dues following, to wit :—

- One half of the Duty on Goods imported, specified in the Tariff set forth in the Schedule hereunto annexed ;
- One half of the Tonnage Dues specified in the said tariff ;

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The Anchorage and Chainage Dues specified in the said tariff ;

The Harbour Master's Fees specified in the said tariff.

The said several dues to be vested in and levied by the said Bailiff and Jurats of the said island, in perpetuity, and to be by them applied as follows :—The produce of the above mentioned Tonnage, Anchorage, and Chainage Dues, and Harbour Master's Fees, to be applied to the Harbour of St. Peter's-Port, and the produce of the above-mentioned duties on goods imported to be applied to the wants of the island in general. And further that it may be advisable for Your Majesty to sanction, order, and permit that, from the time when the dues, specified in the Tariff set forth in the Schedule hereunto annexed, shall begin to be levied, the levying of the ancient dues of the *Petite Coutume* shall cease and determine."

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to grant to the States of the Island of Guernsey licence and authority to occupy so much of the sea-shore as may be required for the site of the New Harbour of St. Peter's-Port—and also to grant to the said States the fee and freehold of all such portions of land as may be gained or recovered from the sea, by means of the works comprised in the design of James M. Rendel, Esquire, Civil Engineer, the said States yielding and paying, yearly and every year, into the Receipt of Her Majesty's Revenue in the said island, the rent or sum of forty shillings sterling, at or upon the 10th of October in every year, the first payment to be made at or upon the 10th day

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of October 1852. And Her Majesty is further pleased hereby to empower, authorise, and enjoin the Lieutenant-Governor, the Procureur, and Receiver-General, for the time being in the said island, in Her Majesty's name, and on Her Majesty's behalf, at any time or times hereafter, at the request of the said States, and at their cost, to make, do, and execute, every such act, deed, and assurance, as may be requisite for more effectually assuring unto the said States the said several portions of land so recovered, or any part thereof. And Her Majesty is further pleased hereby to sanction and authorise the levying of the duties specified in the Tariff set forth in the Schedule hereunto annexed ; the net produce of the said dues, after providing for the costs of collection, the payment of salaries, and the ordinary expenses of the harbour, to be applied exclusively to defray the expenditure in respect of the works, voted by the said States on the 6th day of June 1851, and the levying of the same dues to cease as soon as such expenditure shall have been defrayed. And Her Majesty is hereby further pleased to sanction and authorise the Bailiff and Jurats of the Island of Guernsey, from and after the time when the cost of the works, voted by the States of the said island on the 6th day of June 1851, shall have been defrayed, to levy, in lieu and place of the ancient dues of the *Petite Coutume*, the dues following, to wit :—

One half of the Duty on Goods imported, specified in the Tariff set forth in the Schedule hereunto annexed ;

One half of the Tonnage Dues specified in the said tariff ;

The Anchorage and Chainage Dues specified in the said tariff ;

The Harbour Master's Fees specified in the said tariff.

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The said several dues to be vested in and levied by the said Bailiff and Jurats of the said island, in perpetuity, and to be by them applied as follows:— The produce of the above-mentioned Tonnage, Anchorage, and Chainage Dues, and Harbour Master's Fees, to be applied to the Harbour of St. Peter's-Port, and the produce of the above-mentioned Duties on Goods imported, to be applied to wants of the island in general. And Her Majesty is hereby further pleased to sanction, order, and permit, that, from the time when the dues specified in the *Tariff* set forth in the Schedule hereunto annexed, shall begin to be levied, the levying of the ancient dues of the *Petite Coutume* shall cease and determine. Whereof the Lieutenant-Governor of the Island of Guernsey, the Bailiff and Jurats of the Royal Court, and all persons concerned, are to take notice and govern themselves accordingly.

C. GREVILLE.

* SCHEDULE to which reference is made in the foregoing Order.

* * * * *

(*Enregistré sur les Records le 13 Décembre 1851.*)

AT THE COURT AT WINDSOR

the 14th day of November 1851

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Nouveaux
bâtiments à
Auregny;
Cour et Prison.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 12th instant, in the words following, viz. :—

* Le Tarif présentement en force a été autorisé par Ordre en Conseil du 17 Décembre 1860, avec les changements introduits par les Ordres en Conseil du 5 Juillet 1865 et du 21 Février 1872.

“ Your Majesty having been pleased by your Order in Council to refer unto this Committee the Humble Petition of the States of the Island of Alderney, setting forth :—That with the view of bettering the administration of justice, as well as for the good government of the Island of Alderney, on the increase of population in the year 1847, principally caused by the public works then begun, a new Court House, a Gaol, and other accommodation became necessary, and a correspondence took place thereon with Your Majesty’s Secretary of State, the Right Honourable Sir George Grey, Baronet, through His Excellency Major-General John Bell, C.B., Your Majesty’s Lieutenant-Governor of Guernsey, which ultimately led to the understanding that the States of the Island of Alderney should, out of the small revenue at their disposal, defray the expense of building the Law Court House, Gaol, and other necessary accommodation ; and that, when completed, the expense of keeping the same in repair, as well as the Gaoler’s salary and the maintenance of the prisoners, should be charged to the Crown Revenue of the said island, as appears by the letter of Sir C. E. Trevelyan, to George C. Lewis, Esquire, dated Treasury Chambers, 28th of October 1848 :—That a plan of the building was accordingly submitted to, and approved by, the Right Honourable Sir George Grey, Baronet, on the 30th October 1848 :—That the Petitioners proceeded without loss of time to carry out their engagement, and they have reported to Your Majesty the completion of the buildings some months since ; and the extension of criminal jurisdiction granted to the Court of the said island by Your Majesty’s Order in Council of the 9th May 1850, is carried out in all its parts in these buildings :—And therefore praying that Your Majesty would be graciously pleased to declare that the buildings aforesaid are vested in Your

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Majesty for the administration of justice in this island, and for the detention of prisoners, and that all necessary repairs for the same, and other incidental expenses, the salary of the Gaoler and the maintenance of prisoners, be charged on the Crown Revenue of the said island, as is the case in Your Majesty's Island of Guernsey in regard to the Court House and Gaol of that island.

“THE LORDS OF THE COMMITTEE in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to comply with the prayer thereof, and by your Order in Council to declare your Royal Will and Pleasure that the said buildings shall be vested in Your Majesty's name for Your Majesty and your Royal Successors, for the uses specified in the said Petition ; and further that Your Majesty should order and direct that all necessary repairs for the said buildings, and other incidental expenses, the salary of the Gaoler, and the maintenance of all prisoners on a criminal account, should be charged on the Crown Revenues of the said island.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof. And Her Majesty doth hereby accordingly declare Her Royal Will and Pleasure that the new Court House, Gaol, and other accommodations lately erected in the Island of Alderney, be, and the same are, hereby vested in Her Majesty's name, for Her Majesty and Her Royal Successors. And Her Majesty is hereby further pleased to declare Her Royal Will and Pleasure, that all necessary repairs for such buildings

and other incidental expenses, the salary of the Gaoler, and the maintenance of prisoners on a criminal account, shall be chargeable upon the Crown Revenues of the Island of Alderney. And the Lieutenant-Governor and Commander-in-Chief for the time being of the Island of Guernsey and its dependencies, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers for the time being in the said Island of Guernsey and its dependencies; the States of the said Island of Alderney, and the Judge and Jurats of the said last-mentioned island, are to take notice of Her Majesty's Pleasure, hereby signified, and govern themselves accordingly.

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C. GREVILLE.

(Enregistré sur les Records le 13 Mars 1852.)

AT THE COURT AT BUCKINGHAM PALACE
the 5th day of March 1852.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 1st of this instant March, in the words following, viz. :—

Prescription
Immobilière.

“ Your Majesty having been pleased, by Your Order in Council of the 2nd of February last, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That by the ancient Law of Normandy, as still in force within the Bailiwick of Your Majesty's Island of Guernsey, the period of Prescription, in matters concerning the Realty, is forty years :—That at the Chief Pleas after Easter,

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holden on the 28th day of April in the year 1851, the Royal Court, for the purpose of reducing the said period from forty years to thirty, adopted a *Projet de Loy* intituled '*De la Prescription Immobilière,*' in order that, if approved by the States, the same might be submitted to Your Majesty's gracious consideration:—That at a meeting of the States, holden before your Petitioner on the 23rd day of December in the year aforesaid, the said *Projet de Loy* was by the said States approved in the form set forth in the Schedule annexed to the said Petition. And humbly praying that Your Majesty might be graciously pleased to sanction the said *Projet*, and to declare Your Royal Will and Pleasure that the same should have full force of Law within the said Bailiwick, and be observed accordingly.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition and *Projet de Loy* into consideration, and agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of the said *Projet de Loy*, and to order that the same should have full force of Law within the said Bailiwick and be observed accordingly.”

HER MAJESTY having taken the said Report and *Projet de Loy* into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, that the said *Projet de Loy* shall have full force of Law within the Bailiwick of Her Majesty's Island of Guernsey, and be observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's officers for the time being in the said island, and all other persons whom it may concern,

are to take notice and govern themselves accordingly. 1852.

W. M. L. BATHURST.

SCHEDULE to which reference is made in the foregoing order :—

DE LA PRESCRIPTION IMMOBILIÈRE.

1.—Toutes choses immobilières, et actions réelles ou dépendantes de la réalité, qui se prescrivent maintenant par le laps de quarante ans, seront à l'avenir prescrites par le laps de trente ans ; et suffira la tenue de trente ans pour titre compétent en matière héréditaire.

2.—Toutefois les prescriptions commencées avant le 1er Janvier 1852 seront réglées conformément aux lois précédemment en force :—néanmoins les prescriptions alors commencées et pour lesquelles il faudrait encore, suivant lesdites lois, plus de trente ans à compter dudit jour, seront accomplies par le laps de trente ans.

3.—Le droit de racheter, ou assigner, les rentes rachetables ou assignables qui seront créées à compter du 1er Janvier 1852, sera imprescriptible.

4.—Ne sera cette loi applicable à l'exemptiou du paiement de champart.

(Enregistré sur les Records le 22 Mai 1852.)

AT THE COURT AT BUCKINGHAM PALACE

the 15th day of May 1852

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey De la tenue
des audiences
de la Cour
Royale.

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and Jersey, dated the 11th instant, in the words following, viz. :—

“ Your Majesty having been pleased, by Your Order in Council of the 5th April, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That at the Chief Pleas after Christmas, holden on the 19th day of January in the year 1852, the Royal Court of Your Majesty’s Island of Guernsey for the purpose of facilitating the administration of Justice, as well in civil as in criminal proceedings, passed,—subject to the approval of the States and the sanction of Your Majesty,—an Ordinance intituled ‘*De la Tenue des Audiences,*’ as set out in the Schedule annexed to the said petition :—That at a meeting of the States of the said island, holden before Your Majesty’s Petitioner on the 6th day of February in the year aforesaid, the said Ordinance was by the said States approved with a view to its being submitted to Your Majesty’s gracious consideration. And humbly praying that Your Majesty might be graciously pleased to ratify and confirm the said Ordinance.

“ THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and Ordinance into consideration, and agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said Ordinance, and to order that the same should have full force of Law within the Island of Guernsey, and be observed accordingly.”

HER MAJESTY having taken the said Report and the Ordinance accompanying the same into consideration was pleased, by and with the advice

of Her Privy Council, to approve thereof, and to order as it is hereby ordered, that the said Ordinance shall have full force of Law within the Island of Guernsey, and be observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's officers for the time being in the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

DE LA TENUE DES AUDIENCES.

Aux Chefs-Plaids d'après Noël tenus le 19 Janvier 1852, devant Pierre-Stafford Carey, écr., Baillif; présents, etc.

Attendu que par la coutume de cette île les causes en crime ne peuvent être jugées hors des termes, à moins que la partie actionnée n'y consente ;—

Attendu que par ladite coutume certaines causes ne peuvent être ajournées que pour les Cours de Meuble tenues le Lundi ;

LA COUR, ouïes les conclusions du Procureur de la Reine, moyennant l'approbation des Etats, et la sanction de Sa Très-Excellente Majesté en Son Conseil, a ordonné et ordonne ce qui suit :—

1.—Les audiences devant la Cour en Corps pour les causes en crime, pourront être tenues tels jours qu'il plaira à la Cour indiquer, soit pendant les termes, soit hors des termes.

2.—Toute cause qui doit maintenant être ajournée ou poursuivie dans la Cour de Meuble tenue le Lundi, pourra être ajournée ou poursuivie dans la Cour de Meuble tenue le Samedi, et ce de huitaine en huitaine.

3.—Il n'y aura à l'avenir aucune distinction entre les causes des Hautes Paroisses et celles des Basses.

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4.—Sera cette Ordonnance intitulée “ De la Tenue des Audiences.”

(*Enregistré sur les Records le 26 Juin 1852.*)

AT THE COURT AT BUCKINGHAM PALACE

the 15th day of June 1852.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Des formalités
requis
pour les
testaments
d'immeubles.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 8th day of June instant, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your Order in Council of the 15th of May last, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That, under the present state of the law, certain difficulties have been found to attend the execution of Wills for the disposal of real property situated within the Bailiwick of the said Island of Guernsey :—That, for the purpose of removing the said difficulties, at the Chief Pleas after Christmas, holden on the 19th day of January in the year 1852, a *Projet de Loy* intituléd ‘ *Des Formalités requises pour les Testaments d'Immeubles,*’ was adopted by the Royal Court of that island in order that, if approved by the States, the same might be presented to Your Majesty in Council :—That at a meeting of the States of the said island, holden before Your Majesty's Petitioner on the 6th day of February in the year aforesaid, the said *Projet de Loy* was by the said States approved in the form set forth in the Schedule annexed to the said Petition. And humbly praying that Your Majesty might be graciously

pleased to grant Your Royal Sanction to the said *Projet*, and to declare Your Royal will and pleasure that the same should have full force of Law within the Bailiwick of the said Island of Guernsey, and be observed accordingly.

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“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and *Projet de Loy* into consideration, and agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve and ratify the said *Projet de Loy*, and to order that the same should have full force of Law within the said Bailiwick, and be observed accordingly.”

HER MAJESTY, having taken the said Report and *Projet de Loy* into consideration, was pleased, by and with the advice of Her Privy Council to approve thereof, and to order, as it is hereby ordered, that the said *Projet de Loy* (copy whereof is hereunto annexed) shall have full force of Law within the Bailiwick of Her Majesty’s Island of Guernsey, and be observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing order :—

DES FORMALITÉS REQUISES POUR LES TESTAMENTS D’IMMEUBLES.

1.—Le Testament d’Immeubles fait dans l’Île de Guernesey, sera signé par le testateur en présence

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de deux Jurés de la Cour Royale, tous deux présents en même temps.

2.—Le Testament d'Immeubles fait dans l'Île d'Auregny, sera signé par le testateur en présence de deux Jurés de la Cour d'Auregny, tous deux présents en même temps.

3.—Le Testament d'Immeubles fait dans l'Île de Serk, sera signé par le testateur, en présence du Sénéchal et du Greffier de ladite île, tous deux présents en même temps.

4.—Le Testament d'Immeubles fait hors du Bailliage, sera signé par le testateur, en présence d'un Notaire Public, et de deux témoins, tous présents en même temps. Les témoins attesteront la signature du testateur, en apposant leur signature auprès de la sienne, et le Notaire fera acte de la signature du testateur et des témoins. Ne pourront être témoins, le mari ou la femme du testateur.

5.—Tout legs, à quelque titre que ce soit, fait dans un Testament d'Immeubles à un individu qui signera comme témoin, ou au mari, ou à la femme de tel individu, sera nul et de nul effet.

6.—La permission de faire enregistrer sur le Livre des Contrats un Testament d'Immeubles fait dans l'Île d'Auregny sera accordée, après preuve du décès du testateur, et ce, pourvu que l'acte testamentaire soit produit sous le sceau de la Cour d'Auregny.

7.—La permission de faire enregistrer sur le Livre des Contrats un Testament d'Immeubles fait dans l'Île de Serk sera accordée, après preuve du décès du testateur, et ce, pourvu que l'acte testamentaire soit produit sous le sceau du Seigneur de ladite île de Serk.

8.—La permission de faire enregistrer sur le Livre des Contrats, un Testament d'Immeubles fait hors du Bailliage sera accordée, après preuve du décès

du testateur, et ce, pourvu que l'acte notarié soit 1852.
authentiqué suivant loi et coutume.

9.—La femme mariée n'aura pas besoin de l'autorisation de son mari pour faire un Testament d'Immeubles, et ne sera pas tenue de prêter serment devant Justice.

10.—L'existence d'un Acte de Curatelle ne sera pas censée preuve concluante de l'incapacité de la personne sous curatelle de disposer de ses biens par testament.

11.—Les Immeubles situés dans l'Île de Serk ne sont pas compris dans la présente loi.

12.—Les dispositions des lois présentement en force à l'égard de l'autorisation des actes portant donation à cause de mort, ou legs d'immeubles, sont rappelées en ce qui regarde tout et tel acte comme dessus, qui sera fait et passé après l'enregistrement de l'Ordre de Sa Majesté en Son Conseil sanctionnant la présente loi.

(*Enregistré sur les Records le 11 Janvier 1853.*)

AT THE COURT AT WINDSOR

the 28th day of December 1852

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Collège
Elisabeth.
Corps de
Statuts.
Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th instant, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your Order in Council of the 27th November last, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :— That by an Instrument under seal, bearing date the 27th day of September, in the year 1563, certain

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Commissioners appointed by Her Majesty Queen Elizabeth, founded a School in the Island of Guernsey, under the name of 'Queen Elizabeth's School :'
—That in the said Instrument were contained certain Statutes concerning the Master and the Scholars, and concerning their Studies and Exercises :—That the said School has since become generally known by the name of Elizabeth College :—That the said School or College having long been found inefficient, His late Majesty King George the Fourth was graciously pleased, on the Petition of the States of the said island, to issue an Order in Council, bearing date the 30th day of September, in the year 1825, by which the organization of the said College was entirely remodelled :—That certain provisions set forth in the said Order in Council were thereby substituted in lieu of the Statutes and Regulations before existing for the said College :—That in October 1847, Your Majesty was graciously pleased to appoint the Right Honourable Dr. Lushington to be Special Visitor of the said College, as well for the purpose of inquiring into and settling certain matters then in dispute, as also for the purpose of considering and submitting for Your Majesty's approbation, such a revision of the Statutes of the said College as might appear to be necessary and proper :—That afterwards, to wit, on the 2nd day of February 1848, the said Special Visitor made his Report, containing among other things certain suggestions, which, modified and altered as might be thought fit, were proposed by him to serve as the basis of an Order in Council for the future government of the College :—That copy of such part of the said Report as contained the said suggestions was, on the 5th day of July 1849, transmitted by His Excellency the Lieutenant-Governor to the Royal Court for the purpose of being laid before the States of the said island :—That the said sugges-

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tions contained in the Report of the Special Visitor have been, on several occasions, under the consideration of the said States :—That on the 3rd day of March 1852, the said States adopted certain heads of Statutes, founded on the said suggestions, with such modification and alteration as appeared to them to be desirable :—That the draft of a body of Statutes, hereunto annexed, framed in conformity with the said heads of Statutes, having been submitted to the said Special Visitor, the same was by him approved. And humbly praying that Your Majesty would be most graciously pleased to ratify and confirm the said body of Statutes, and to order that the same shall henceforth be in force for the regulation of Elisabeth College.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, this day took the said Petition and Statutes relating to Elisabeth College into consideration, and agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to ratify and confirm the said Statutes, and to order and direct that the same shall henceforth be in force for the regulation of Elisabeth College.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof; and Her Majesty doth hereby ratify and confirm the said Statutes (copy of which is set forth in the Schedule hereunto annexed) for the government of Elisabeth College, adopted by the States of the island on the 3rd of March 1852, and approved by the Special Visitor of the said College; and doth order and direct that the same shall henceforth be in force for the regulation of the said Elisabeth College. Whereof the Lieutenant-Governor of the Island of Guernsey,

1852.

for the time being, the States, the Bailiff and Jurats of the Royal Court of the said island, and all other persons concerned, are to take notice and govern themselves accordingly.

C. C. GREVILLE.

SCHEDULE to which reference is made in the foregoing order :—

STATUTES FOR THE GOVERNMENT OF ELIZABETH COLLEGE, GUERNSEY.

VISITOR.

1.—The Bishop of Winchester, for the time being, shall be Permanent Visitor.

2.—The Directors, the Principal, the Vice-Principal, the Under Masters and the Scholars, shall be subject to his visitation.

3.—He shall visit when he thinks fit ; he shall hear appeals as hereinafter provided, and his decisions, orders and decrees, shall be final and binding on all Members of the College subject to his visitation, and their successors.

4.—Provided that it shall be lawful for Her Majesty to appoint, at any time, a Special Visitor or Special Visitors.

DIRECTORS.

5.—There shall be nine Directors.

6.—Provided that the several Directors now in office, appointed either by the Lieutenant-Governor or by the States, shall continue for the term for which they were originally appointed.

Provided also that C. B. De Jersey, Esq., and all Directors after him appointed by the States, shall be deemed to have been appointed for the term of six years.

7.—The Dean of Guernsey shall be a Director by virtue of his office.

8.—The Dean, in case of incapacity from ill-health

or otherwise, shall have power to delegate the Incumbent of any parish in Guernsey to act in his stead.

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9.—Such delegation shall expire on the 6th day of January next ensuing, and be capable of renewal.

10.—Such delegation shall be void on the appointment of a new Dean.

11.—Two out of the nine Directors shall be appointed by the Lieutenant-Governor for the time being ; each of them to serve for six years from the date of his appointment.

12.—Six out of the nine Directors shall be appointed by the States, one every year ; each of them to serve for six years from the 6th of January of the year for which he is appointed.

13.—Any person having served the office of Director shall not be qualified for re-appointment till after the expiration of twelve months from the time of his going out of office.

14.—Any Director desiring to resign, or refusing, or becoming incapable to act in the office, or having absented himself from the Meetings of the Board of Directors for twelve months consecutively, shall be deemed to have vacated office.

15.—When a vacancy occurs, it shall be notified to the Lieutenant-Governor or to the President of the States, as the case may be.

16.—The first vacancy that occurs among the Directors appointed by the Lieutenant-Governor shall not be filled up.

17.—Any new Director appointed by the States upon a casual vacancy, shall serve only for the unexpired term of his predecessor.

MEETINGS.

18.—The Dean, when present at a Meeting of the Board of Directors, shall act as Chairman of such Meeting.

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19.—In the absence of the Dean, the Senior Director present shall take the chair.

20.—When the votes are equally divided, the Chairman of the Meeting shall have a second or casting vote.

21.—In order to constitute a Meeting of the Board, there must be five Directors present.

22.—The Board of Directors shall, from time to time, appoint a Treasurer and Secretary out of their number, and regulate their duties.

23.—Meetings of the Board of Directors shall be convened by written summons sent to each Director.

24.—The Minutes of proceedings at Meetings shall be entered in a book, and the Minutes of each Meeting shall be signed in the said book by the Chairman at the next ensuing Meeting, after having been read over and approved as correct.

25.—The Minute Book shall be deemed sufficient evidence that all Meetings, the Minutes of which are duly entered and signed in such book were duly convened and held, and that the proceedings entered in the said book took place at that Meeting.

26.—Any two Directors may, by means of a requisition in writing, call upon the Secretary to convene a Meeting of the Board for any purpose relating to the College, provided that such requisition shall state the special purpose for which the Meeting is to be convened, and such special purpose shall be inserted in the summons sent to each Director.

DUTIES AND POWERS.

27.—The Board of Directors shall have the general superintendence and management of the affairs of the College, and shall receive all dues, rents and revenues, coming to the College.

28.—The Directors shall not be personally responsible (Gallicé, “responsables en leur propre et privé nom,”) for the debts, contracts, engagements or

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liabilities of the College ; but any suit prosecuted or defended by the Treasurer or the Directors, on behalf of the College, according to the practice of the Island of Guernsey, shall be binding on and enure to the benefit of the College.

29.—The Directors, for the time being, shall be capable of taking and holding property, both real and personal, for and in the name of the College.

30.—The Board of Directors shall settle the conditions upon which Scholars are to be admitted.

31.—The Board of Directors shall receive payments from Scholars, at a rate not exceeding Twelve Pounds Sterling per annum each.

32.—The Board of Directors shall regulate the salaries of the Principal, Vice-Principal and Under Masters, and the remuneration of the Teachers, whether by salary or otherwise.

33.—The payments received from Scholars shall constitute a fund for the salaries specified in the preceding article.

34.—The repairs of the College Buildings shall be a primary charge upon the income arising from the Endowment Fund, and (until the same comes into operation) upon the annual payments made by the States.

35.—The Board of Directors shall render to the States, every year, an account of the receipts and expenditure of the College.

36.—The Board of Directors shall appoint Clerk, Porter and other servants of the College.

37.—The Board of Directors shall have power, from time to time, after consulting with the Principal, to make, revoke and alter, by-laws and regulations for the government of the College, so as such by-laws and regulations be not repugnant to the Law of the island, or the Statutes of the College confirmed by Order in Council.

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38.—Drafts of all proposed by-laws and regulations shall be communicated to the Principal.

39.—All proposed by-laws, and regulations or alterations thereof, shall be transmitted to the Visitor, and, on his signifying his approval, shall be valid.

40.—In any case not provided for by the present Order, the Board of Directors shall have power, if any immediate decision appear to them necessary, to decide therein provisionally, in such manner as may be deemed best for the welfare of the College ; but such case shall be referred by the Board, together with their decision, to the Visitor, with as little delay as possible, for his confirmation or disallowance of such decision, provided that, if time permit, a statement of every such case shall, in the first instance, be submitted to the Visitor, in order that the Board may obtain his advice or decision therein.

PRINCIPAL.

41.—The Principal shall be a Graduate of one of the Universities of Oxford, Cambridge, Durham, or Dublin, a Member of the United Church of England and Ireland, and in Holy Orders.

42.—Whenever the office of Principal becomes vacant, the Board of Directors shall notify such vacancy to the Vice-Chancellor of the Universities of Oxford and Cambridge, the Warden of Durham, and the Provost of Trinity College, Dublin.

43.—The Board of Directors shall receive applications and the testimonials of Candidates.

44.—The Board of Directors shall recommend a Candidate to the Lieutenant-Governor.

45.—The Lieutenant-Governor shall appoint the Candidate recommended, by an instrument under his hand and seal.

46.—If the Lieutenant-Governor declares the Candidate recommended to be unfit, the Board of

Directors shall recommend a second Candidate to be appointed by the Lieutenant-Governor.

1852.

47.—If the Lieutenant-Governor declares the second Candidate to be unfit, he shall report it to the Secretary of State for the Home Department, and the appointment to such vacancy shall devolve on the Crown.

48.—The Principal shall be removable by the Visitor, upon appeal to him, or by two-thirds of the Board of Directors, with the consent of the Visitor.

49.—The Principal shall not hold any Church preferment in the Island of Guernsey.

VICE-PRINCIPAL.

50.—When the office of Vice-Principal becomes vacant, the Principal shall recommend to the Board of Directors any person he may think fit to fill the said office.

51.—The person so recommended shall be Vice-Principal, unless two-thirds of the Directors present at a Meeting summoned for the purpose dissent.

52.—If two-thirds of the Directors present dissent, the Principal shall recommend a second Candidate.

53.—If two-thirds again dissent, the Vice-Principal shall be appointed by the Visitor.

54.—Any person named Vice-Principal, under any of the provisions above-mentioned, shall be appointed by an instrument in writing, signed by the Secretary of the Board of Directors.

55.—The Vice-Principal, during the absence or sickness of the Principal, shall superintend the College, so far as regards the discipline of the Schools and the conduct of the education.

56.—The Vice-Principal shall be removable by the Visitor, upon appeal to him, or by two-thirds of the Directors present, at a Meeting specially convened on the application of the Principal.

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UNDER MASTERS.

57.—The Directors, after consulting the Principal, shall fix the number of Under Masters, and settle the Scheme of Education.

58.—The Principal shall engage such persons to be Under Masters as he may think fit.

59.—Every such engagement shall be in writing, signed by the Principal and the person engaged.

60.—A copy of every such engagement shall be sent by the Principal to the Board of Directors, within one week of its signature.

61.—Whenever the Principal desires that any Under Master should be removed, he shall give notice to the Board of Directors that he desires such removal, and, if required by the Board, shall state his reasons in writing.

62.—If the Board does not object within one calendar month after the receipt of the notice of the Principal, the Principal may remove.

63.—If the Board objects, the whole matter shall be referred to the Visitor for his decision.

SCHEME OF EDUCATION.

64.—A scheme of Education shall be proposed by the Principal.

65.—The scheme of Education shall include Religious and Moral Instruction, in conformity with the principles and doctrines of the United Church of England and Ireland; the Greek, Latin, English, French and German Languages; Mathematics, Commercial Tuition, and such other branches of knowledge as it may be found practicable and advantageous to introduce for the purpose of providing an efficient Classical and Commercial Education.

66.—Such scheme shall distinguish between what branches shall be indispensable, and what optional with the Parents or Friends of Pupils.

67.—Such scheme shall be considered by the

Directors, and, if approved, shall be the constituted system of the College. 1852.

68.—If it be disapproved, it shall be submitted to the Visitor, whose decision shall be final.

69.—The same form shall be observed upon any change in such scheme being proposed by the Principal.

70.—The Board of Directors may suggest changes in such scheme, which may be adopted, provided the Principal consent thereto.

71.—If the Board of Directors and the Principal disagree upon the expediency of any such changes, they shall be submitted to the Visitor, whose decision shall be final.

72.—The Principal, in like manner, shall propose a supplementary scheme containing heads of instruction not before enumerated.

73.—Extra charges may be made upon the Pupils receiving such supplementary instruction for the remuneration of the Teachers.

74.—Such Teachers shall not be deemed Under Masters.

75.—The daily business of the College shall commence with Prayer selected from the Book of Common Prayer of the United Church of England and Ireland, and the Principal shall be responsible for the performance of this duty.

76.—The attendance of Scholars, and of such of the Under Masters as shall be Members of the United Church of England and Ireland, shall be required at Prayers.

SCHOLARS.

77.—In case of expulsion of a Scholar, such Scholar shall have a right of appeal to the Board of Directors.

78.—The Principal, during the first week of July of each year, shall transmit to the Board of Directors a

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written report of the general state of the College, the number of Scholars, and the course of Education pursued during the past year ; such report shall be forwarded by the Board of Directors to the Lieutenant-Governor, and to the Bailiff, President of the States, with such suggestions as they shall think fit.

(Enregistré sur les Records le 11 Janvier 1853.)

AT THE COURT AT WINDSOR

the 28th day of December 1852

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Administra-
tion des
Pauvres dans
la paroisse de
St. Pierre-Port

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th instant, in the words following, viz. :—

“YOUR MAJESTY having been pleased by your Order in Council of the 27th of November last, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That at the Chief Pleas after Easter, holden before the said Petitioner, on the 19th day of April, in the year 1852, an Ordinance was passed—subject to the approval of the States and the sanction of Your Majesty—for the purpose of organizing a Board for the Administration of Poor-law Relief within the Parish of St. Peter-Port, in the said Island of Guernsey :—That at a meeting of the States of the said island, holden before the said Petitioner, on the 22nd day of October, in the year aforesaid, the said Ordinance was by the said States approved in the form set forth as hereunto annexed. And humbly praying that Your Majesty might be

graciously pleased to ratify and confirm the said Ordinance

1852.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, this day took the said Petition and Ordinance into consideration, and agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to ratify and confirm the said Ordinance.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and Her Majesty doth hereby ratify and confirm the said Ordinance (copy whereof is hereunto annexed) passed by the Royal Court of Guernsey on the 19th of April 1852, and approved by the States of the said island on the 22nd of October last, for the purpose of organizing a Board for the Administration of Poor-law Relief in the Parish of St. Peter-Port in the said Island of Guernsey. And Her Majesty doth hereby further order and direct that the same be entered upon the Register of the said island, and observed accordingly. Whereof the Lieutenant-Governor of the said Island of Guernsey for the time being, the States, the Bailiff and Jurats of the Royal Court of the said island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. C. GREVILLE.

ORDONNANCE RELATIVE A L'ADMINISTRATION
DES PAUVRES DANS LA PAROISSE DE ST.
PIERRE-PORT.

*Aux Chefs-Plaids d'après Pâques, tenus le 19 Avril
1852, devant Pierre-Stafford Carey, écr., Bailiff;
présents, &c.*

Vu l'acte de la Cour Royale en date du 28 Janvier
1852, rendu à la requête des Chefs de Famille de

1852.

la paroisse de St. Pierre-Port, par lequel la Cour adopta les principes de certains articles relatifs à l'administration des pauvres dans ladite paroisse ;

Vu la requête subséquente desdits Chefs de Famille suppliant ladite Cour de prendre les mesures nécessaires pour donner force de loi aux dispositions desdits articles ;

La Cour, ouïes les conclusions du Procureur de la Reine—moyennant l'approbation des Etats, et la sanction de Sa Très-Excellente Majesté en son Conseil, a ordonné et ordonne ce qui suit :—

1.—Tout ce qui a rapport au soulagement et à l'entretien des pauvres dans la paroisse de St. Pierre-Port, sera confié à un Conseil d'Administration, lequel sera chargé tant de l'entière conduite des affaires de l'Hôpital de ladite paroisse que du soin des pauvres externes ; comme aussi du soulagement provisoire des étrangers devenant à charge dans ladite paroisse. Les revenus des biens-meubles et immeubles qui appartiennent aux pauvres de ladite paroisse, ainsi que de ceux qui appartiennent audit Hôpital, seront administrés par ledit Conseil, bien entendu que lesdits revenus seront appliqués aux objets et de la même manière spécifiés dans les contrats de donation, ou autres pièces y ayant rapport. Et sera le Procureur des Pauvres de ladite paroisse tenu de verser dans la caisse dudit Conseil les sommes qu'il recevra provenant desdits revenus.

2.—Les charges de Trésorier de l'Hôpital, et de Vice-Trésorier de l'Hôpital et de Collecteurs des Pauvres seront abolies dans ladite paroisse. Les individus qui géreront ces charges à l'époque de la mise en force de la présente Ordonnance, sortiront d'office dès le sermentement des nouveaux officiers paroissiaux mentionnés ci-dessous.

3.—Le Procureur des Pauvres de ladite paroisse sera à l'avenir tenu de rester en charge pendant deux ans.

4.—Il y aura dans ladite paroisse deux officiers paroissiaux qui seront respectivement appelés *le Président et le Vice-Président du Conseil d'Administration pour les Pauvres de la Ville et Paroisse de St. Pierre-Port*, lesquels seront élus par les Chefs de Famille de ladite paroisse, et seront sermentés devant la Cour Royale. Ces chargés seront annales, bien entendu, cependant, que si, à la fin de la première ou de la deuxième année de leur gestion, lesdits Président ou Vice-Président ne font faire des publications pour sortir d'office, ils resteront en charge pendant trois ans. Personne ne sera éligible à l'une ni à l'autre desdites charges s'il n'est taxé au montant requis pour être éligible à la charge de Douzenier, et s'il n'a auparavant rempli la charge de Procureur des Pauvres, de Surveillant des Pauvres, de Collecteur des Pauvres, ou de Membre de l'Administration de l'Hôpital.

5.—Il y aura dans ladite paroisse dix officiers paroissiaux qui seront appelés *Surveillants des Pauvres*, dont les devoirs en ce qui regarde la visite et le soulagement des pauvres à domicile, seront assimilés à ceux qui ont été jusqu'ici remplis par les Collecteurs des Pauvres. Ils seront élus par les Chefs de Famille de ladite paroisse, et seront sermentés devant la Cour Royale. Ils resteront en charge pendant deux ans, et cinq d'entr'eux sortiront de charge chaque année ; et à l'expiration de la première année de la gestion de ceux qui auront été les premiers nommés en vertu des dispositions de cet article, il en sortira cinq d'office, selon qu'il sera déterminé par le sort.

6.—En cas que la charge de Président du Conseil d'Administration pour les Pauvres, de Vice-Président dudit Conseil, ou de Surveillant des Pauvres devienne vacante, autrement que par l'expiration du terme de service de celui qui la gère, l'individu qui sera élu à la charge devenue ainsi vacante, sortira d'office à

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l'époque à laquelle celui à la place duquel il aura été élu serait régulièrement sorti d'office.

7.—Aucun paroissien ne sera exempté de servir comme Assistant-Connétable par avoir géré la charge de Surveillant des Pauvres. Les paroissiens qui ont rempli la charge de Trésorier de l'Hôpital ne seront point tenus de remplir celle de Président ou de Vice-Président du Conseil d'Administration. Ceux qui ont rempli la charge de Vice-Trésorier dudit Hôpital ne seront point tenus de remplir celle de Vice-Président dudit Conseil ; et ceux qui ont rempli la charge de Procureur des Pauvres ou de Directeur annuel de l'Hôpital ne seront point tenus de remplir celle de Surveillant des Pauvres.

8.—Le Conseil d'Administration pour les Pauvres de la Ville et Paroisse de St. Pierre-Port sera composé des fonctionnaires suivants :—

Le Président dudit Conseil	1
Le Vice-Président dudit Conseil	1
Le Recteur de ladite paroisse	1
Trois ex-Présidents dudit Conseil, ou ex-Trésoriers de l'Hôpital, lesquels seront élus par les Chefs de Famille pour le terme de deux ans	3
Les Connétables de ladite paroisse	2
Un des Curateurs du Trésor de l'Eglise Paroissiale, celui qui aura été élu par les Chefs de Famille	1
Le Procureur des Pauvres de ladite paroisse	1
Les dix Surveillants des Pauvres de ladite paroisse ...	10
Total.....	20

Dans les assemblées dudit Conseil sept membres formeront un *quorum*, et lesdites assemblées seront présidées par le Président ou Vice-Président dudit Conseil, ou dans l'absence de l'un et de l'autre, par un desdits trois ex-Présidents dudit Conseil ou ex-Trésoriers de l'Hôpital.*

La présente Ordonnance sera en force à compter du 1er Janvier 1853.

* Cet article fut rappelé par un Ordre en Conseil du 10 Mai 1860, par lequel un autre article y fut substitué, et ce dernier article fut modifié par un Ordre en Conseil du 16 Mai 1878.

(Enregistré sur les Records le 17 Janvier 1853.)

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AT THE COURT AT WINDSOR

the 4th day of January 1853

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

(Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th January 1853):—

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to authorise and sanction the Scheme (hereunto annexed) for the Endowment of Elizabeth College, and to authorise the States of the said island to levy for the further term of seven years from the last day of February eighteen hundred and sixty-four the same Impôt or Duty as heretofore of one shilling per gallon on all spirituous liquors consumed in the said island, subject to the condition that the said several sums or payments of £1,000 in the said Scheme of Endowment shall be the first charge upon the annual proceeds of the said Impôt. And Her Majesty is further pleased to authorise and sanction the appointment of three Commissioners to be nominated in the year 1864, the one by the Lieutenant-Governor of the said Island of Guernsey, and the two others by the States, with power to the said Lieutenant-Governor for the time being, and States, respectively, to make new appointments in case of the death or resignation of any of such Commissioners. And Her Majesty is further pleased to order and direct that the said Commissioners for the time being shall be authorised to receive from the said States the said several sums or payments of £1,000 in the Scheme of Endowment specified. That

De la Dotation
du Collège
Elisabeth.
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all monies received by the said Commissioners under the authority hereby given shall be by them invested in such a manner as may be settled by the Directors of Elizabeth College, so as to create a permanent fund for the maintenance of the said College, and that for this purpose the said Commissioners are hereby authorised to pass before the Royal Court, or otherwise make and execute, all necessary contracts, deeds and conveyances, for and in the name of Elizabeth College, as often as may be required. And further, that the said Commissioners shall render to the States, year by year, a report of what shall have been done by them in the execution of their duty. And Her Majesty is further pleased to declare Her Royal Will and Pleasure that all lands and tenements whatsoever, whereof the States now stand seized for the use of the said College, shall henceforth be deemed and taken to be vested in the said College, and to be to all intents and purposes the absolute property thereof, and that henceforth the States shall be for ever discharged from any pecuniary liability, of what kind soever, in respect of the said College, beyond what is provided for by the said Scheme of Endowment. And Her Majesty is hereby further pleased to repeal and make void the clause in the Order in Council of the first day of March 1849, by which the authority granted to the States, under the said Order, to levy the said Impôt upon spirituous liquors, was subjected to the condition of making certain annual payments therein specified to Elizabeth College. And Her Majesty is lastly pleased to repeal and make void the clause in the Order in Council of His late Majesty King George IV., dated the 30th day of September 1825, whereby power is given to the Directors of Elizabeth College to regulate the Parochial and National Schools throughout the island, and to aid their supporters from the College Funds.

And the Lieutenant-Governor and Commander-in-Chief, the States, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers in the said Island of Guernsey for the time being, and all other persons whom it may concern, are to take notice hereof and govern themselves accordingly.

C. C. GREVILLE.

SCHEME referred to in the foregoing Order :—

PROJET DE DOTATION.

1.—Les Etats accorderont au Collège Elisabeth la somme de £7,000 sterling, payable en sommes annuelles de £1,000, à prendre sur le produit annuel de l'impôt sur les liqueurs spiritueuses, à compter de l'année 1864.

2.—Lesdites sommes seront versées entre les mains de trois Commissaires, qui seront nommés, l'un par M. le Lieutenant-Gouverneur, et deux par les Etats, lesquels Commissaires seront chargés de placer lesdites sommes de manière à créer un fonds perpétuel, dont le produit annuel sera perçu par les Directeurs dudit Collège.

3.—Lesdits Etats feront audit Collège un paiement annuel de £250 sterling pendant tout le temps pour lequel ledit Impôt leur est déjà accordé, à compter de l'année 1852. Et après l'expiration dudit temps, ils lui feront un paiement annuel, qui sera de £245 sterling pour l'année 1864, et qui sera réduit à raison de £35 sterling chaque année jusqu'à son entière extinction.

4.—Lesdits Etats accorderont de plus audit Collège une somme qui n'excédera pas £440 sterling pour mettre les édifices dans un bon état de réparation. Bien entendu qu'il ne sera appliqué à cet objet au-delà de £250 sterling dans le courant d'une seule année.

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(Enregistré sur les Records le 25 Juin 1853.)

AT THE COURT AT BUCKINGHAM PALACE
the 13th day of June 1853

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Articles supplémentaires à la Loi de 1844 pour la Réforme des Etats (voyez page 91).

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the first of this instant, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 1st of April last, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—That by the ancient Constitution of Your Majesty's Island of Guernsey, the Incumbents of the several parishes were all members of the States :—That for a long series of years the parish of the Vale has been united to the parish of Saint Sampson, and in like manner the parish of Torteval to the parish of the Forest, by means whereof there have been for the ten parishes eight Rectors only :—That by a Law for regulating the Constitution of the States, ratified by Your Majesty's Order in Council of the 13th day of December 1844, the votes belonging to the members of the Clergy in the Assemblies of the States were fixed at the said number of eight :—That if at any time hereafter separate Incumbents should be presented to the several parishes now united, the number of Incumbents would be raised from eight to ten :—That the case of any such increase in the number of Incumbents, is not in any way provided for by the law above-mentioned :—That for the purpose of supplying this omission the said States, at an Assembly holden before the Bailiff on the 11th day of February in the year 1853, adopted certain Articles set forth in

the Schedule annexed to the said Petition, intituled *Articles Supplémentaires à la Loi de 1844, qui règle la Constitution des Etats,* in order that the same might be submitted to Your Majesty's gracious consideration. And the Petitioners most humbly pray that Your Majesty might be graciously pleased to declare Your Royal Will and Pleasure, that the said Articles should have the force of law and be observed accordingly.

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“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, this day took the said Petition and Schedule annexed into consideration, and agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to confirm and ratify the Articles contained in the said Schedule.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof. And Her Majesty is further hereby pleased, with the advice aforesaid, to approve of the Articles contained in the Schedule hereunto annexed ; and to declare Her Royal Will and Pleasure that the same shall have the force of law in the Island of Guernsey and shall be observed accordingly. And the Lieutenant-Governor of the Island of Guernsey, the States of the said island and all other persons concerned, are to take notice hereof and govern themselves accordingly.

WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing order :—

ARTICLES SUPPLÉMENTAIRES A LA LOI DE 1844
QUI RÈGLE LA CONSTITUTION DES ÉTATS.

1.—Les Ministres des dix paroisses de cette île de Guernesey seront tous également membres du corps des

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Etats, ayant une voix, tant dans les Assemblées de Délibération, que dans les Assemblées Générales d' Election.

2.—Bien entendu, que dans les Assemblées de Délibération, le nombre des Ministres présents ne sera jamais porté au-delà de huit, auquel nombre les voix des membres du Clergé furent fixées par l'Article 13 de la loi de 1844 ; et que lorsque les Ministres des paroisses de cette île excéderont ce nombre, huit d'entre eux siégeront à tour de rôle, suivant l'ordre de l'évocation des paroisses.

3.—Lors de l'émission du Billet pour la Convocation des Etats, le Greffier de la Reine publiera une liste des huit paroisses, dont les Ministres devront siéger pour délibérer sur les objets dudit Billet, lesquels huit Ministres seront évoqués à l'Assemblée suivant le rang et la présence de chacun, comme par le passé.

4.—Seront lesdites listes rédigées de manière à ce que dans chacune on omettra la paroisse qui aura figuré la première dans la liste précédente, et qu'on y ajoutera la première de celles qui étaient précédemment omises.

5.—Toutefois, seront réservés les droits des Rec-teurs actuels, qui continueront à siéger comme par le passé ; ceux qui seront admis ci-après étant seuls assujettis au tour de rôle, et ce de manière à ce qu'il ne sera jamais évoqué au-delà de huit membres du Clergé pour siéger dans les susdites Assemblées de Délibération.

(Enregistré sur les Records le 25 Juillet 1853.)

AT THE COURT AT BUCKINGHAM PALACE

the 13th day of June 1853

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Appaux à Sa
Majesté en
Conseil.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the

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30th May last past, humbly setting forth :—That the Lords of the Judicial Committee have taken into consideration the practice of the Committee with a view to greater economy, despatch and efficiency in the appellate jurisdiction of Her Majesty in Council, and that their Lordships have agreed humbly to report to Her Majesty that it is expedient that certain changes should be made in the existing practice in appeals, and recommending that certain Rules and Regulations therein set forth should henceforth be observed, obeyed and carried into execution, provided Her Majesty is pleased to approve the same.

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and of the Rules and Regulations set forth therein, in the words following, videlicet :—

1.—That any former usage or practice of Her Majesty's Privy Council notwithstanding, an Appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from, shall be entitled to recover the costs of the Appeal from the Respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

2.—That the Registrar, or other proper officer having the custody of records, in any Court or special jurisdiction from which an Appeal is brought to Her Majesty in Council, be directed to send by post, with all possible despatch, one certified copy of the transcript record in each cause, to the Registrar of Her Majesty's Privy Council, Whitehall ; and that all such transcript be registered in the Privy Council office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from ; and that such transcript be accompanied by a correct and complete index of all the papers, documents, and

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exhibits in the cause ; and that the Registrar of the Court appealed from, or other proper officer of such Court, be directed to omit from such transcript all merely formal documents, provided such omission be stated and certified in the said index of papers ; and that especial care be taken not to allow any document to be set forth more than once in such transcript ; and that no other certified copies of the record be transmitted to agents in England by or on behalf of the parties in the suit ; and that the fees and expenses incurred and paid for the preparation of such transcript, be stated and certified upon it by the Registrar, or other officer preparing the same.

3.—That when the record of proceedings, or evidence in the cause appealed, has been printed, or partly printed, abroad, the Registrar or other proper officer of the Court from which the appeal is brought shall be bound to send home the same in a printed form, either wholly, or so far as the same may have been printed, and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the Court appealed from, to these copies, with the sanction of the Court.

And that in all cases in which the parties in appeals shall think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause fifty copies of the same to be printed in folio, and transmitted at their expense to the Registrar of the Privy Council, two of which printed copies shall be certified as above by the Officers of the Court appealed from ; and in this case no further expense for copying or printing the record will be incurred or allowed in England.

4.—That on the arrival of a written transcript of appeal at the Privy Council Office, Whitehall, the Appellant, or the Agent of the Appellant prosecuting

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the same, shall be at liberty to call on the Registrar of the Privy Council to cause it, or such part thereof as may be necessary for the hearing of the case, and likewise all such parts thereof as the Respondent or his Agent may require, to be printed by Her Majesty's Printer, or by any other printer, on the same terms, the Appellant or his Agent engaging to pay the cost of preparing a copy for the printer at a rate not exceeding one shilling per brief sheet, and likewise the cost of printing such record or appendix, and that one hundred copies of the same be struck off, whereof thirty copies are to be delivered to the agents on each side, and forty kept for the use of the Judicial Committee; and that no other fees for solicitors' copies of the transcript, or for drawing the joint appendix be henceforth allowed, the solicitors on both sides being allowed to have access to the original papers at the Council Office, and to extract or cause to be extracted and copied such parts thereof as are necessary for the preparation of the petition of appeal, at the stationer's charge not exceeding one shilling per brief sheet.

5.—That a certain time be fixed within which it shall be the duty of the Appellant or his Agent to make such application for the printing of the transcript; and that such time be within the space of six calendar months from the arrival of the transcript and the registration thereof in all matters brought by appeal from Her Majesty's colonies and plantations east of the Cape of Good Hope, or from the territories of the East India Company, and within the space of three months in all matters brought by appeal from any other part of Her Majesty's dominions abroad; and that in default of the Appellant or his Agent taking effectual steps for the prosecution of the Appeal within such time or times respectively, the Appeal shall stand dismissed without further order,

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and that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council at their Lordships' next sitting.

6.—That whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the Agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Lords of the Judicial Committee in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same ; provided that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit ; and that in order to promote such arrangements and simplification of the matter in dispute, the Registrar of the Privy Council may call the Agents of the parties before him, and having heard them and examined the transcript, may report to the Committee as to the nature of the proceedings.

AND Her Majesty is further pleased to order, and it is hereby ordered, that the foregoing Rules and Regulations be punctually observed, obeyed, and carried into execution, in all Appeals or Petitions and complaints in the nature of Appeals brought to Her Majesty, or to Her Heirs and Successors, in Council, from Her Majesty's colonies and plantations abroad, and from the Channel Islands, or the Isle of Man, and from the territories of the East India Company, whether the same be from Courts of Justice or from special jurisdictions, other than Appeals from Her Majesty's Courts of Vice-Admiralty to which the said rules are not to be applied.

Whereof the Judges and Officers of Her Majesty's Courts of Justice abroad, and the Judges and Officers of the Superior Courts of the East India Company,

and all other persons whom it may concern, are to 1853.
take notice and govern themselves accordingly.

WM. L. BATHURST.

(Enregistré sur les Records le 27 Août 1853.)

AT THE COURT AT OSBORNE HOUSE (ISLE OF
WIGHT)

the 19th day of August 1853

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

(Report of the Right Honourable the Lords of the
Committee of Council for the Affairs of Guernsey
and Jersey, dated the 15th August, 1853) :—

HER MAJESTY, having taken the said Report into Havre de St.
Pierre-Port.
consideration, was pleased, by and with the advice of Her
Privy Council, to approve of what is therein proposed.
And Her Majesty is hereby pleased, to authorise the States
of the Island of Guernsey to charge upon the Harbour
funds, as well the sum of Four hundred pounds, to be
contributed towards the purchase of a house, commonly
called the "Hotel Bayfield," as likewise all such sums as
may be expended, on account of the construction of the
works comprised in a Resolution of the said States of the
22nd day of October, 1852; the said several sums to be paid
out of the produce of the dues or duties, specified in the
Tariff set forth in the Schedule annexed to Her Majesty's
Order in Council of the 14th November, 1851, in the same
manner, as if such payments had been charged upon the
same by the said Order. And Her Majesty is further
pleased to authorise and sanction the further levying of the
said dues or duties, until such time as the said several sums
charged upon the same shall have been fully paid and
satisfied. And the Lieutenant-Governor or Commander-in-
Chief of the Island of Guernsey, the States, the Bailiff and
Jurats, and all other persons concerned, are to take notice
hereof and govern themselves accordingly.

WM. L. BATHURST.

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(Enregistré sur les Records le 7 Janvier 1854.)

AT THE COURT AT WINDSOR

the 25th day of November 1853

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.Havre de
St. Sampson.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 24th of this instant, in the words following, viz. :—

“YOUR MAJESTY, having been pleased by Your Order in Council of the 24th of October last, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—That before the year 1839, the Harbour of St. Sampson's, in the Island of Guernsey, was merely an Arm or Inlet of the sea, with no other accommodation for the loading and unloading of Vessels than a small Pier or jetty on the North Side :—That there were, at that time, certain ancient dues, varying from two to eight shillings, according to the size of the vessel, that were levied in the said Harbour upon English and foreign vessels only, Guernsey vessels not being liable to any charge whatever; and the produce of these dues was applied to the payment of the repairs and ordinary expenses of the Harbour, and was at that time fully sufficient for the purpose :—That in consequence of the great increase of the Stone Trade, the States of the said Island, in the year 1839, resolved to construct new Quays and other Works for the accommodation and protection of the Shipping :—And Your Majesty having been graciously pleased, by an Order in Council of the 31st of July in that year, to authorise the said States to levy certain dues on Stone, and other Goods loaded in Saint Sampson's Harbour, for the purpose of paying the Costs of the

same (estimated at £7,000), the said Works were accordingly executed:—That Your Majesty having been graciously pleased to grant to the said States the land recovered from the sea, in consequence of the above mentioned Works, the States have caused additional Works, recommended by Mr. Walker, C.E., to be executed to a considerable amount, with the intention of applying the proceeds of the sale of the said land, towards the reimbursement of the cost of such additional Works:—That, in order to complete the said Harbour, certain other additional Works, also recommended by Mr. Walker, and estimated at £8,200, are still required, and a humble Petition from the States, praying that Your Majesty would be graciously pleased to continue the said Harbour dues, imposed by the said Order in Council of the 31st July, 1839, for the purpose of defraying the cost of such Works, has lately been under the consideration of Your Majesty's Most Honourable Privy Council:—That, in consequence of the increased extent of the Harbour Works, and the amount of Trade carried on there, the ordinary expenses of the Harbour are now considerably greater than they were before the year 1839, and they will be still further increased, in case it should please Your Majesty to sanction the execution of the additional Works prayed for by the States:—And the States beg most humbly to represent to Your Majesty, that no adequate provision at present exists for the payment of such ordinary expenses, from the time when the present dues shall cease:—That from the time when the said Order of the 31st July, 1839, came into operation, the ancient dues before mentioned have ceased to be levied upon Vessels loading in the said Harbour, and thus becoming liable to the new dues imposed by the said Order, such ancient dues being, at present only paid by the few English and foreign Vessels that enter

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the Harbour without loading there, and, during the whole of this time, the Ordinary expenses of the Harbour have been defrayed out of the produce of the said new dues. But the ancient dues would revive and again become payable by all English and foreign Vessels, from the time when, the cost of the Harbour Works being fully paid, the said new dues should cease to be levied, and the produce of such ancient dues would then form the sole fund chargeable with the Ordinary expenses of the Harbour:—That owing to the great extension of the Works, and the increase of the Stone Trade since the year 1839, this fund, which it is calculated would not amount to £100 per annum, would be altogether insufficient to meet the increased expenditure, which for repairs, lighting, Harbour Master's Salary, and other charges, is estimated at about £310 yearly;—That, moreover, such ancient dues being discriminating dues, are in their very nature objectionable, and ought as soon as possible to be replaced by Harbour Dues payable by all Vessels alike:—That, by a recent Order of Your Majesty in Council bearing date the 14th day of November, 1851, whereby, among other things, certain ancient discriminating dues, known under the name of *La Petite Coutume*, were abolished, provision was made for the formation of a permanent fund for the Harbour of St. Peter's-Port, by authorising, after the cost of the Works lately voted by the States shall have been defrayed, the levying in perpetuity of certain dues, consisting of one half of the Tonnage Due, specified in the tariff set forth in the Schedule to the said Order annexed, the Anchorage and Chaining Dues specified in the said tariff, the Harbour Master's fees specified in the said tariff:—That the ordinary expenses of St. Sampson's Harbour being considerably less than those of the Harbour of St. Peter's Port, it is calculated that, if the permanent

Harbour Dues at St. Sampson's were made equal in amount to merely the Anchorage and Chainage Dues specified in the above mentioned tariff, the produce would be sufficient to meet the annual expenditure. Accordingly a tariff based on this principal has been prepared, and is contained in a Schedule hereunto annexed :—That, at an Assembly holden on the 20th of May, 1853, the States resolved humbly to crave Your Majesty's sanction and authority for the formation of a permanent fund, for the repairs and maintenance of St. Sampson's Harbour, by abolishing the ancient dues existing in the said Harbour before the year 1839, and substituting, in lieu thereof, Harbour Dues, equal to the joint amount of the Anchorage and Chainage dues specified in the above mentioned Tariff of Dues for the Harbour of St. Peter's-Port, so sanctioned by Your Majesty as aforesaid. Wherefore the Petitioners most humbly pray, that Your Majesty may be pleased to authorise the States of the said Island of Guernsey to levy on all Vessels entering the Harbour of St. Sampson's, the Harbour Dues specified in the tariff set forth in the Schedule hereunto annexed, and to sanction, order, and permit, that, from and after the time when the said Harbour Dues shall begin to be levied, the levying of the ancient Dues of the said Harbour, which have existed from a time anterior to the Order in Council of the 31st of July, 1839, above mentioned, shall cease and determine, the said Harbour Dues, in the said tariff specified, to stand in lieu and place of the said ancient dues, and to constitute a permanent fund for the said Harbour :—Provided nevertheless, that, so long as the dues on the Cargoes of Vessels loaded at St. Sampson's, established by the said Order of the 31st July, 1839, shall continue to be levied, such dues upon the Cargo shall be entirely remitted in every case in which they shall not exceed the sum that may be

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payable by the Vessel in respect of the said Harbour Dues; and also, in all cases where such dues on the Cargo shall exceed the amount of the Harbour Dues, there shall be deducted therefrom a sum equal to the amount of such Harbour Dues.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, this day took the said Petition into consideration, and agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition, and to approve of and sanction the said Dues.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to authorise the States of the Island of Guernsey to levy, on all Vessels entering the Harbour of St. Sampson’s, the Harbour Dues specified in the tariff set forth in the Schedule* hereunto annexed, and to sanction, order, and permit, that, from and after the time when the said Harbour Dues shall begin to be levied, the levying of the ancient dues of the said Harbour, which have existed from a time anterior to the Order in Council of the 31st July, 1839, shall cease and determine, the said Harbour Dues, in the said tariff specified, to stand in lieu and place of the said ancient dues, and to constitute a permanent fund for the said Harbour: provided nevertheless, that, so long as the dues on the Cargoes of Vessels loaded at St. Sampson’s, established by the said Order of the 31st July, 1839, shall continue to be levied, such dues upon the Cargo shall be entirely remitted in every case in which they shall not exceed the sum that may be payable by the Vessel in respect

* Ce Tarif fut rappelé par un Ordre en Conseil en date du 5 Juillet 1865, enregistré sur les Records de cette Ile le 15 Juillet 1865.

of the said Harbour Dues. And Her Majesty is further pleased to order and direct, that, in all cases where such dues on the Cargo shall exceed the amount of Harbour Dues, there shall be deducted therefrom a sum equal to the amount of such Harbour Dues. And the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being of Her Majesty's Island of Guernsey, the States of the said Island and all other persons whom it may concern, are to take notice of Her Majesty's pleasure hereby signified and govern themselves accordingly.

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C. GREVILLE.

*Le 18 Novembre 1854, devant Hilary-O. Carré,
écuyer, Lieutenant-Baillif, présents, &c.*

Monsieur le Lieutenant-Baillif, ayant ce jour communiqué à la Cour un Ordre de Sa Très-Excellente Majesté en son Conseil, en date du 3 Juillet 1854, duquel Ordre la teneur suit :—

AT THE COURT AT BUCKINGHAM PALACE

the 3rd day of July 1854.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the "Foreign Deserters Act, 1852," it is provided, that whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending Seamen who desert from British Merchant Ships in the Territories of any Foreign Power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that Seamen, not being Slaves, who desert from Merchant Ships belonging to a Subject of such Power, when within Her Majesty's Dominions or the Territories of the

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East India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient :— And whereas it hath been made to appear to Her Majesty that due facilities will be given for recovering and apprehending Seamen (not being French subjects) who desert from British Merchant Ships in the Territories belonging to His Majesty the Emperor of the French.

NOW THEREFORE, Her Majesty, by virtue of the powers vested in Her by the said “ Foreign Deserters Act, 1852,” and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that, from and after the publication hereof in the *London Gazette*, Seamen, not being Slaves (and not being British Subjects), who desert from Merchant Ships belonging to Subjects of the Emperor of the French within Her Majesty’s Dominions or the Territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships :— And the Right Honourable the Lords Commissioners of Her Majesty’s Treasury and the Commissioners for the Affairs of India are to give the necessary directions herein accordingly.

C. C. GREVILLE.

LA COUR, après lecture dudit Ordre, a ordonné, ouïes les conclusions du Procureur de la Reine, que ledit Ordre sera enregistré sur les Records de cette île, et afin de mettre ledit Ordre à exécution, a, ouïes les

conclusions dudit Procureur de la Reine, ordonné et 1854.
ordonne comme suit, savoir :—

Toutesfois et quantes qu'un marin ou apprentif, n'étant pas sujet britannique et n'étant pas esclave, aura déserté d'au bord d'un navire de la Marine Marchande française,—La Cour, en Police Correctionnelle, sur l'application du Consul français, ou de son représentant, et sur l'information par serment d'un témoin digne de foi, pourra ordonner que tel déserteur sera saisi par un Connétable et produit devant ladite Cour. Et si le fait de désertion est établi, pourra ladite Cour ordonner que tel déserteur sera mis par le Connétable au bord du navire dont il appartient, ou qu'il sera livré au capitaine, contremaître, propriétaire ou agent de tel navire, afin d'être conduit à bord.

Et si la désertion a lieu en l'île d'Auregny, pourront lesdites procédures être prises, soit devant la Cour Royale de l'île de Guernesey, soit devant la Cour de ladite île d'Auregny.

Et sera copie de ce présent Acte et Ordonnance transmise par le Greffier de la Reine à Monsieur le Juge d'Auregny. Et sera ladite Ordonnance publiée et affichée aux lieux ordinaires, afin que personne n'en prétende cause d'ignorance.

(Enregistré sur les Records le 5 Juillet 1856.)

AT THE COURT AT BUCKINGHAM PALACE

the 24th day of June 1856

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Application des Peines tant au Criminel qu'en Police Correctionnelle.
Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th of May last, in the words following, viz. :—

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“YOUR MAJESTY having been pleased, by Your Order in Council of the 18th October, 1854, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That with the view of improving the Administration of Justice in penal cases within the Bailiwick of Your Majesty’s Island of Guernsey, particularly with reference to the punishment of certain classes of offenders by keeping them to hard labour, The Royal Court, at the Chief Pleas after Easter, holden before the Petitioner on the 24th day of April in the year 1854, adopted (subject to the approval of the States and the sanction of Your Majesty), a *Projet de Loi* entitled ‘*Loi relative à l’Application des Peines, tant au Criminel qu’en Police Correctionnelle*’ :—That at an Assembly of the States, holden before the Petitioner on the 28th day of July, in the said year 1854, the said *Projet de Loi* was by the said States approved in the form set forth in the Schedule hereunto annexed. The Petitioner most humbly prays that Your Majesty may be graciously pleased to ratify and sanction the said *Projet* and to declare Your Royal will and pleasure, that the several provisions thereof shall have the force of Law within the Bailiwick of Your Majesty’s Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order in Council, did, on the 18th of June, 1855, take the said Petition and Project of Law for the Improvement of the Administration of Justice in penal cases into consideration, and, being of opinion that the 14th Clause of the Project of Law was objectionable, inasmuch that the amount of corporal punishment proposed that a police tribunal should have the power of inflicting on boys below 18 years of age, is excessive, and a more severe sentence than should be allowed to be

passed in this mode of summary adjudication, directed the Royal Court of Guernsey to reconsider such Project of Law, with a view to the amendment of the 14th Clause thereof, so as to remove the objections entertained by their Lordships thereto:—and the said Royal Court having, in compliance with such direction, amended the said Clause so as to remove the objections entertained thereto, their Lordships agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said Project of Law, as amended in respect of the 14th Clause thereof.”

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Project of Law, as amended in respect of the 14th Clause thereof, and to order, as it is hereby ordered, that the same (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers in the said Island for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing order:—

LOI RELATIVE À L'APPLICATION DES PEINES
TANT AU CRIMINEL QU'EN POLICE CORREC-
TIONNELLE.

1.—Il n'y a lieu à une condamnation au Travail Forcé que comme accessoire à la peine d'Emprisonnement; bien entendu que la peine du Travail Forcé

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peut être prononcée soit pour l'entière durée de l'Emprisonnement, soit pour une partie seulement de ladite durée.

2.—Tout et aussi longtemps qu'un Condamné sera employé au Travail Forcé, il recevra la ration quotidienne de la Prison suivant le Règlement alimentaire; et il ne sera assujéti au pain et à l'eau que dans le cas où cette punition lui serait appliquée en vertu des Règlements de la Prison; bien entendu que lorsqu'un coupable ne sera condamné au Travail Forcé que pour une partie de la durée de son Emprisonnement, il pourra être adjugé, par le même Acte, au secret, au pain et à l'eau, pour tout ou partie du restant.

3.—La peine du Travail Forcé peut être prononcée, au Criminel, contre ceux qui sont condamnés à la peine d'Emprisonnement, soit,—

1° Pour cause de Félonie, soit

2° Sur un procès qui emporte telle Peine, Punition ou Châtiment Corporel que la Cour trouvera condigne.

4.—Les Coupables condamnés à la peine de la Déportation pourront, avec l'autorisation de Justice, être employés au Travail Forcé, tout et aussi longtemps qu'ils seront détenus en Prison.

* 5.—La peine du Travail Forcé pourra être prononcée contre ceux qui, au lieu d'être poursuivis au Criminel, seront condamnés en Police Correctionnelle à la peine d'Emprisonnement,—

1° Pour Vol;

2° Pour Tentative de Vol;

3° Pour Appropriation Frauduleuse d'argent ou effets, au moyen de Faux Prétextes;

4° Pour Violences exercées envers un Connétable ou autre Officier Public dans l'exercice de ses fonctions;

5° Pour Violences exercées envers une Femme, ou envers un Enfant âgé de moins de Quatorze ans;

6° Pour avoir fait partie d'un Assemblément Tumultueux

* Les Articles 5 et 7 ont été rappelés par une Loi étendant les pouvoirs de la Cour Royale, siégeant en Police Correctionnelle, sanctionnée par un Ordre en Conseil du 17 Novembre 1858, enregistré sur les Records de cette Ile le 1er Décembre 1858.

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6.—La peine du Travail Forcé pourra aussi être prononcée, en Police Correctionnelle, contre ceux qui seront condamnés à la peine d'Emprisonnement,—

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- 1° Pour Dérèglement ;
- 2° Pour Vagabondage ;
- 3° Pour avoir exercé des Actes de Cruauté envers des Animaux.

* 7.—En toute matière poursuivie en Police Correctionnelle, la durée de l'Emprisonnement peut être portée jusqu'à Un mois, sauf les cas où le maximum de la peine est établi par une disposition spéciale de la Loi.

Cet article s'applique, sans distinction, tant aux cas où l'Emprisonnement est prononcé comme peine principale, qu'à ceux où le coupable n'y est assujéti qu'à défaut de payer une Amende.

8.—Lorsque la durée de l'Emprisonnement n'excède pas Six jours, les jours d'Emprisonnement sont des jours complets de Vingt-quatre heures.

9.—Tout Coupable condamné à la peine d'Emprisonnement pourra, avec l'autorisation de Justice, être employé au service de la Prison : bien entendu qu'aucun Prisonnier ne pourra être employé à cet effet, que de la manière qui sera prescrite par les Réglemens de la Prison qui seront pour le temps en vigueur.

10.—Seront censés coupable de Dérèglement :—

- 1° Les Mendians qui auront été trouvés rôdant dans les rues, chemins ou lieux publics ;
- 2° Ceux qui auront employé ou encouragé des Enfants à rôder comme Mendians ;
- 3° Ceux qui, étant dans un état d'Ivresse, se seront conduits d'une manière turbulente ou indécente dans un Lieu Public ;
- 4° Ceux qui se seront présentés en Cour dans un état d'Ivresse ;
- 5° Ceux qui auront été trouvés couchés ivres en plein air, ou dans les édifices d'autrui ;
- 6° Les Mendians ou autres gens sans moyens qui auront été trouvés couchés dans des

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greniers ou autres édifices, ou en plein air, sans pouvoir rendre compte de leur conduite ;

- 7° Les Femmes Prostituées qui se seront conduites d'une manière turbulente ou indécente dans les rues, chemins ou lieux publics ;
- 8° Les gens qui font le métier de dire la Bonne Aventure, ou d'expliquer les Songes, ainsi que ceux qui exercent l'art prétendu de la Sorcellerie ;
- 9° Les auteurs ou complices de Bruits ou Tapages injurieux ou nocturnes, troublant la tranquillité des habitants ;
- 10° Ceux qui, ayant les moyens par le travail, ou autrement, de pourvoir à leur maintien et au maintien de leurs familles, seront néanmoins, eux ou leurs familles, devenus à charge à la Paroisse.

11.—En cas de Dérèglement, la peine d'Emprisonnement ne pourra être prononcée pour au-delà de Huit jours.

12.—Seront censés Vagabonds :—

- 1° Ceux qui, après avoir été condamnés pour un acte de Dérèglement, se seront rendus coupables d'un acte subséquent de Dérèglement dans l'An et jour de la première Sentence ;
- 2° Ceux qui, s'étant rendus coupables d'un acte de Dérèglement, auront lors de leur arrestation résisté avec violence au Connétable, ou autre Officier de la force publique ;
- 3° Ceux qui se seront introduits dans une maison ou édifice, ou dans un belle ou enclos dépendant d'une maison, pour un objet illégal ;

- 4° Ceux qui auront été trouvés munis de Limes, Crochets, Rossignols, Fausses Clefs, ou autres instruments propres soit à commettre des Vols ou autres Crimes, soit à leur procurer les moyens de pénétrer dans les maisons ;
- 5° Ceux qui auront été trouvés Porteurs d'Armes, cachées ou apparentes, dans le dessein de commettre un acte criminel ;
- 6° Ceux qui auront établi dans les rues, chemins, ou lieux publics, des Loteries ou autres Jeux de Hasard ;
- 7° Ceux qui auront distribué ou exposé des Images, Gravures ou Imprimés contraires aux bonnes mœurs ou à la religion ;
- 8° Ceux qui auront quêté, ou sollicité des Contributions Charitables, sous de Faux Prétextes ;
- 9° Ceux qui auront négligé ou abandonné leurs Familles, les laissant sans moyens de subsistance ;
- 10° Ceux qui, après avoir été transportés hors du pays afin d'être renvoyés au lieu de leur domicile ou établissement légal, seront revenus dans le pays et devenus encore une fois à charge ;
- 11° Ceux qui, après avoir été fait vuidier le pays pour un temps déterminé, faute de trouver Caution, aux fins d'un Acte de Cour, seront revenus avant que le temps ne soit expiré.
- 12° Tous Mendians—
- (1°) Qui auront usé de menaces ;
 - (2°) Qui seront entrés sans permission dans une maison habitée ;
 - (3°) Qui auront demandé l'Aumône ou

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sollicité des Secours sous de Faux
Prétextes ;

(4°) Qui feindront des Plaies ou Infirmi-
tés ; ou,

(5°) Qui auront été trouvés déguisés ou
travestis d'une manière quelconque.

13° Ceux qui auront volontairement cassé les
Lampes publiques ou les fenêtres d'un
Edifice public, ou d'une maison habitée.

13.—Subsidiairement aux peines principales énon-
cées à l'Article précédent, pourront être saisis et
confisqués ;—

1° Dans le cas du No. 4, les Limes et autres
Instruments dont le coupable se trouvait
muni ;

2° Dans le cas du No. 5, les Armes dont le
coupable était porteur ;

3° Dans le cas du No. 6, les Tables, Instru-
ments et Appareils des Jeux, ainsi que les
Enjeux, Fonds ou Objets proposés aux
joueurs ;

4° Dans le cas du No. 7, les Images, Gravures
ou Imprimés, contraires aux bonnes mœurs
ou à la religion.

14.—Pourront être adjugés en Police Correctionnelle
à recevoir jusqu'à Vingt-quatre coups de verges,—
pourvu qu'ils soient du sexe masculin et mineurs de
dix-huit ans,—ceux qui seront condamnés à la peine
d'Emprisonnement—

Pour Vol,

Pour Tentative de Vol,

Pour Récidive en cas de Vagabondage.

Ne déroge cet Article en rien au pouvoir de la Cour
Royale d'appliquer tel Châtiment Corporel qu'elle
trouvera condigne, dans les cas reconnus par la Loi et
Coutume du pays.

15.—Tout Châtiment Corporel ayant lieu dans l'enceinte de la Prison, pourra être infligé par un des Officiers de la Prison.

16.—Seront passibles, en Police Correctionnelle, d'une Amende, à discrétion de Justice, qui n'excédera pas Quarante schellings sterling :—

1° Ceux qui auront interrompu les exercices d'un Culte, ou les Cérémonies Religieuses, par des Troubles ou Désordres causés, soit dans l'enceinte du Temple ou autre lieu destiné à ces objets, soit à l'extérieur ;

2° Ceux qui auront dirigé des Chevaux ou Voitures dans les rues, routes ou chemins, soit en ville, soit en campagne, avec une rapidité excessive, de manière à mettre quelqu'un en péril de vie ou de membre, ou à causer aux passants un danger commun ;

3° Ceux qui auront exposé en vente des Comestibles gâtés, corrompus, ou nuisibles. Et seront, de plus, lesdits Comestibles saisis et détruits.

17.—Seront passibles, en Police Correctionnelle d'une Amende, à discrétion de Justice, qui n'excédera pas Vingt schellings sterling :—

1° Ceux qui, sans avoir été provoqués, auront, dans des Lieux ou Réunions Publics, proféré contre quelqu'un des propos injurieux ou outrageants ;

2° Ceux qui auront laissé divaguer des Animaux malfaisants ou féroces ;

3° Ceux qui auront excité, ou n'auront pas retenu leurs Chiens, lorsqu'ils attaquent ou poursuivent les passants ;

4° Ceux qui auront tiré des Armes à Feu dans les rues, routes ou chemins publics ;

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5° Ceux qui, sans la permission des Connétables, auront tiré des Pièces d'Artifices dans un Lieu Public ;

6° Les Cabaretiers ou autres qui auront débité à des Enfants de l'un ou l'autre sexe, âgés de moins de Quatorze ans, des Liqueurs Spiritueuses pour être bues sur les lieux.

18.—Seront passibles, en Police Correctionnelle, d'une Amende, à discrétion de Justice, qui n'excédera pas Dix schellings sterling :—

1° Ceux qui auront excité ou n'auront pas retenu leurs Chiens, lorsqu'ils attaquent ou poursuivent les animaux ou bestiaux appartenant à autrui ;

2° Ceux qui auront jeté des Pierres ou d'autres Corps durs, ou des Immondices, contre les maisons et édifices d'autrui, ou dans les jardins, belles ou enclos ;

3° Ceux qui auront jeté des Corps durs, ou des Immondices sur quelqu'un.

19.—Dans les cas prévus par les Articles 16, 17 et 18, s'il y a récidive dans l'An et jour de la première Sentence, l'Amende imposée par la Loi pourra être élevée jusqu'au double.

20.—Seront passibles, en Police Correctionnelle, d'une Amende, à discrétion de Justice, qui n'excédera pas Cinq schellings sterling :—

1° Ceux qui auront été trouvés Ivres dans un lieu public, ou sur la propriété d'autrui ;

2° Les Femmes Prostituées qui se seront conduites dans un lieu public de manière à molester les habitants ou les passants.

21.—Dans les cas prévus par l'Article précédent, s'il y a récidive dans l'An et jour de la première sentence, l'offenseur sera censé coupable de Dérèglement.

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22.—Toutes les fois qu'une Amende sera prononcée en Police Correctionnelle, il sera ordonné par l'Acte de condamnation, qu'à défaut de paiement le coupable gardera Prison pour un temps déterminé, à discrétion de Justice.

23.—Toutefois, dans les cas où le maximum de l'Amende est fixé par la Loi, la durée de l'Emprisonnement n'excédera pas Quinze jours, à moins que ce maximum ne soit au-delà de Vingt schellings; elle n'excédera pas Huit jours à moins que le maximum ne soit au-delà de Dix schellings; et elle n'excédera pas Deux jours à moins que le maximum ne soit au-delà de Cinq schellings.

24.—La durée de l'Emprisonnement n'excédera pas les limites tracées d'après les règles établies par l'Article précédent, quand même il y aurait lieu à une augmentation de l'Amende pour cause de récidive.

25.—Dans tous les cas, si, avant l'expiration de l'Emprisonnement, l'Amende est payée, le coupable sera remis en liberté.

26.—Les dispositions de la présente Loi ne dérogent en rien au pouvoir d'exiger Caution, soit juratoire, soit pécuniaire, à discrétion de Justice: bien entendu qu'en Police Correctionnelle la durée du Cautionnement ne peut être portée au-delà d'An et jour, soit que la Caution soit exigée subsidiairement à une peine quelconque prononcée contre le coupable, soit que la Cour en exigeant ladite Caution se soit dispensée de toute condamnation.

27.—Toutefois, dans les cas où le maximum de l'Amende est fixée par la Loi, si la Cour exige la Caution Subsidiaire, il n'y aura point lieu à une condamnation à au-delà de la moitié de ce maximum.

28.—Les Peines de Police Correctionnelle énoncées par la Loi n'abrogent point les amendes et autres peines établies par Ordonnance, dans les cas qui en sont susceptibles. Elles sont également sans préjudice

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des cas où, par la Loi et Coutume du Pays, il y a lieu à une poursuite au Criminel.

29.—La Cour de l'île d'Auregny aura, en Police Correctionnelle, la connaissance et le jugement—

Des Actes Criminels mentionnés dans l'Article 5 de la présente Loi ;

Des cas de Dérèglement mentionnés dans les Articles 10 et 21 ;

Des cas de Vagabondage mentionnés dans l'Article 12 ;

Des Actes de Cruauté exercés envers des Animaux ;

Des matières de Police Correctionnelle énumérées dans les Articles 16, 17, 18 et 20.

30.—En toute poursuite intentée devant ladite Cour d'Auregny, en vertu de l'Article précédent, il sera procédé conformément, tant aux dispositions de la présente Loi qu'à celle de l'Ordonnance de la Cour Royale, en date du 9 Février 1850, relative à la compétence de ladite Cour d'Auregny en Matière Pénale, laquelle Ordonnance fut confirmée par l'Ordre de Sa Majesté en son Conseil, en date du 9 Mars ensuivant, lequel a été enregistré sur les Records de l'île de Guernesey, aux fins d'Acte de ladite Cour Royale en date du 27 Juillét 1850.

31.—Ne déroge la présente Loi en rien à la juridiction et autorité de la Cour Royale de l'île de Guernesey, sur toute Matière Pénale échéante à Auregny.

(Enregistré sur les Records le 9 Août 1856.)

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 28th day of July 1856

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

(Report of the Right Honourable the Lords of the

Havre de St.
Pierre-Port.
Droits pour le
Service d'Eau
aux Navires.

Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of July, 1856) :—

1856.

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to grant to the States of the Island of Guernsey licence and authority to occupy so much of the sea shore as may be required for the site of the Works mentioned in the said Report, and also to grant to the said States the fee and freehold of all such portions of Land as may be gained or recovered from the sea, by means thereof, yielding and paying yearly, and every year, into the receipt of Her Majesty's Revenue in the said Island, the rent or sum of forty shillings sterling, at or upon the tenth of October in every year, the first payment to be made at or upon the tenth of October, 1857. And Her Majesty is further pleased hereby, to empower, authorise, and enjoin, the Lieutenant-Governor, the Procureur, and Receiver-General for the time being in the said Island, in Her Majesty's name and on Her Majesty's behalf at any time or times hereafter, at the request of the said States and at their cost, to make, do, and execute every such act, deed, and assurance, as may be requisite for more effectually assuring unto the said States the said several portions of Land so recovered, or any part thereof. And Her Majesty is further pleased hereby to sanction and authorise the said States to continue to levy, as well the Impôt on Wines, as the Harbour Dues created by Her Majesty's Order in Council of the 14th of November, 1851 (subject to all conditions therein contained), until such time as the total cost, as well of the works already commenced as of the Works contemplated, together with all sums borrowed for executing the same, shall have been entirely discharged and paid off; to which purpose the net produce of the said dues, or duties,

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shall be specially applied, after providing for the cost of collection, the payment of salaries and other ordinary expenses of the Harbour and its dependencies, including the Harbour Lights and the Buoys and Beacons round the Coast, as well as the new Quays, Piers, Esplanades, Tanks and other Works, with their appurtenances, from the Terres to Gategny, the said expenses including the cost of maintaining the said Works together with the drainage and lighting thereof, the whole in as full and ample a manner, and subject to the same conditions, as if the said Authority had been contained in Her Majesty's said Order of the 14th of November, 1851. And Her Majesty is further pleased to authorise and empower the said States to levy and receive from all Vessels (Ships belonging to Her Majesty excepted), taking a supply of water from the States' Water Pipes, payment at a rate not exceeding one shilling for each Tun of Water, a fractional part of a Tun being reckoned for a whole Tun, the monies so received to form part of the Harbour Funds. And Her Majesty is further pleased to order and direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly. Whereof the Lieutenant-Governor of the Island of Guernsey, the Bailiff and Jurats of the Royal Court, and all persons concerned, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

(Enregistré sur les Records le 20 Décembre, 1856.)

AT THE COURT AT WINDSOR

the 28th day of November 1856

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Loi relative
aux Sociétés
en Comman-
dite.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the

Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th of this instant, November, in the words following, viz :—

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“YOUR MAJESTY having been pleased, by Your Order in Council of the 24th of June last, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That within the Bailiwick of Your Majesty’s Island of Guernsey, the liability of a Partner to answer for the debts of the Partnership is unlimited :—That in the month of December last, a Petition was presented to the Bailiff and Jurats from several merchants and others, members of the Chamber of Commerce in the said Island, praying that measures might be taken for legalising the Establishment of partnerships, *en Commandite*, on principles similar to those contained in the French *Code de Commerce* :— That thereupon the Royal Court, on the ninth day of February in the year 1856, adopted a *Projet de Loi* intituled, “*Loi relative aux Sociétés en Commandite*,” in the form set forth in the Schedule annexed to the said Petition, in order that, if approved by the States of the said Island, the same might be submitted to Your Majesty’s consideration —That, afterwards, the said States, at an Assembly holden before the said Petitioner, on the second day of April in the year 1856, approved the said *Projet de Loi*, and humbly praying that Your Majesty might be graciously pleased to sanction the said *Projet*, and to declare Your Royal Will and Pleasure that the same should have the force of Law within the Bailiwick of Your Majesty’s Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and *Projet de Loi* into consideration, and agree humbly to report as their opinion to Your

1856.

Majesty, that it may be advisable for Your Majesty, to approve of, and ratify the said *Projet de Loi*, and to order that the same should have the force of Law within the Bailiwick of the said Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, and it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Her Majesty's Island of Guernsey. And Her Majesty is further pleased to order, that the said *Projet de Loi* (Copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor, or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all others Her Majesty's Officers in the said Island, for the time being, and all other persons whom it may concern, are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing Order :—

LOI RELATIVE AUX SOCIÉTÉS EN COMMANDITE.

1.—Les Sociétés en Commandite seront à l'avenir reconnus par la loi dans le Bailliage de l'île de Guernesey.

2.—La Société en Commandite se contracte entre un ou plusieurs Associés responsables et solidaires, et un ou plusieurs Associés simples bailleurs de fonds, que l'on nomme *Commanditaires* ou *Associés en Commandite*.

3.—Lorsqu'il y a plusieurs Associés solidaires, soit que tous gèrent ensemble, soit qu'un ou plusieurs

gèrent pour tous, la Société est à la fois Société Ordinaire à leur égard, et Société en Commandite à l'égard des simples bailleurs de fonds.

4.—Le nom d'un Associé Commanditaire ne peut faire partie de la raison sociale.

5.—L'Associé Commanditaire n'est passible des pertes que jusqu'à concurrence des fonds qu'il a mais ou dû mettre dans la Société.

6.—L'Associé Commanditaire ne peut faire aucun acte de gestion, ni être employé pour les affaires de la Société, même en vertu de procuration.

7.—En cas de contravention à la prohibition mentionnée dans l'article précédent, l'Associé Commanditaire est obligé solidairement avec les Associés responsables, pour toutes les dettes et engagements de la Société.

8.—Le Capital de la Société peut être divisé en Actions.

9.—La propriété des Actions sera établie par une inscription sur les registres de la Société.

La Cession s'opère par une déclaration de transfer inscrite sur les registres, et signée de celui qui fait le transport ou d'un fondé de pouvoir.

10.—Tous ceux dont les noms ont été inscrits sur les dits registres, demeurent obligés de verser, s'il y a lieu, jusqu'à la concurrence du montant payable sur chaque action pour laquelle ils ont été inscrits.

11.—Les Sociétés en Commandite ne peuvent être formées que par des Contrats passés devant Justice, ou reconnus devant Justice.

12.—L'Extrait des Contrats doit être remis, dans la quinzaine de leur date, au Greffier de la Reine, afin d'être enregistré.

L'Extrait doit être signé par tous les Associés autres que les Actionnaires ou Commanditaires, et doit contenir :—

Les noms, prénoms, qualités et demeures des

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Associés autres que les Actionnaires ou
Commanditaires ;

La raison de commerce de la Société ;

La désignation de ceux des Associés autorisés
à gérer, administrer et signer pour la
Société ;

Le montant des valeurs fournies ou à fournir
par Actions ou en Commandite ;

L'époque où la Société doit commencer, et
celle où elle doit finir.

13.—Les formalités spécifiées à l'article précédent
seront observées à peine de nullité à l'égard des
intéressés ;—mais le défaut d'aucune d'elles ne pourra
être opposé à des tiers par les Associés.

14.—Toute continuation de Société, après son terme
expiré, sera constatée par une déclaration de tous les
Associés autres que les Actionnaires ou Comman-
ditaires.

Cette déclaration, et tous les actes portant dis-
solution de Société avant le terme fixé pour sa durée
par le contrat qui l'établit, tout changement ou
retraite d'Associés, toutes nouvelles stipulations ou
clauses, tout changement à la raison de Société, sont
soumis aux formalités prescrites par l'article 12.

En cas d'omission de ces formalités, il y aura lieu à
l'application des dispositions pénales de l'article 13.

15.—Les fonds fournis par les Actionnaires ou
Commanditaires ne sont remboursables qu'ensuite de
la dissolution de la Société.

16.—Le gérant d'une Société en Commandite est
tenu d'avoir un livre journal qui présente jour par
jour, les dettes actives et passives, les opérations du
Commerce, les négociations, acceptations ou endosse-
ments d'effets, et généralement tout ce qu'il reçoit et
paie pour le compte de la Société, et qui énonce mois
par mois les sommes employées aux dépenses de la
gestion ; le tout indépendamment des autres livres

usités dans le commerce, mais qui ne sont pas 1856.
indispensables.

Il est tenu de mettre en liasse les lettres missives qu'il reçoit, et de copier sur un registre celles qu'il envoie.

Si le capital de la Société est divisé en Actions, il est tenu aussi de garder un registre aux fins de l'article 9.

17.—Le gérant est pareillement tenu de faire tous les ans, sous seing privé, un inventaire des effets mobiliers et immobiliers appartenant à la Société, et des dettes actives et passives de la Société, et de le copier année par année sur un registre spécial à ce destiné.

18.—Tout gérant ou autre Associé solidaire d'une Société en Commandite qui, en rédigeant les Actes de son ministère, y aura frauduleusement inséré comme vrais des faits faux, ou qui aura frauduleusement dénaturé l'état ou les circonstances vraies de la Société, pourra être poursuivi à se voir adjuger à telle peine, punition ou châtement corporel que la Cour trouvera condigne, bien entendu que la Cour aura la faculté d'adjuger la peine de déportation pour un terme qui n'excédera pas sept ans.

19.—Tout gérant ou autre Associé Solidaire d'une Société en Commandite qui aura détourné ou dissipé au préjudice de la Société des effets, deniers, marchandises, billets, quittances ou tous autres écrits contenant ou opérant obligation ou décharge, pourra être poursuivi à se voir adjuger à telle peine, punition ou châtement corporel que la Cour trouvera condigne, bien entendu que la Cour aura la faculté d'adjuger la peine de déportation pour un terme qui n'excédera pas sept ans.

20.—Cette loi ne s'appliquera pas aux Banques émettant des billets, ni aux Sociétés d'Assurance sur la vie.

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21.—Il sera tenu par le Greffier de la Reine un livre intitulé “ Livre des Sociétés en Commandite,” lequel sera fourni aux frais dudit Greffier, et dans lequel les contrats et autres pièces ayant rapport aux dites Sociétés seront enregistrés en ordre chronologique, et il sera payé au dit Greffier les honoraires suivants :

- 1° Pour chaque page de deux cents mots enregistrée 2s. 0d.
- 2° Pour chaque fois qu'un extrait sera déposé..... 2s. 6d.
- 3° Pour recherche des enregistrements ayant rapport à une Société chaque dix ans 1s. 0d.
- 4° Pour extrait du Livre, chaque page de deux cents mots 2s. 0d.

22.—Le livre mentionné à l'Article précédent sera gardé au Greffe, et sera censé former partie des Records publics.

(Enregistré sur les Records le 20 Décembre 1856

AT THE COURT AT WINDSOR

the 28th day of November 1856

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Règlement
pour le Débit
de la Bière et
du Cidre.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th of this instant, November, in the words following, viz :—

“ YOUR MAJESTY having been pleased by Your Order in Council of the 22nd of October last, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :— That within Your Majesty's Island of Guernsey no person is allowed to keep a Public-house without a License from the Royal Court, the sum payable

annually in respect of such licenses being fixed at £8
Sterling :—That at the Chief Pleas after Easter, in the
year 1854, it being deemed expedient that houses for
the Sale of Beer and Cider to be drunk on the premises
should be placed under the Control of the Constables,
to the same extent as Public-houses are, an Ordinance
was passed, subject, as well to the approval of the States
as to the sanction of Your Majesty, to prevent any
such house being kept without a license from the
Royal Court, such licenses however to be obtained on
the payment of a smaller sum than what is fixed for
Public-houses :—That the said Ordinance having been
approved by the States as a temporary measure,
Your Majesty was, on the 18th day of October, 1854,
graciously pleased, by and with the advice of Your
Most Honourable Privy Council, to declare Your
Royal Will and Pleasure that the same should be in
force for a year and a day :—That the time having
expired during which the said Ordinance was thus in
force, the States, at an Assembly holden on the 28th
day of December, 1855, after amending the said
Ordinance, by inserting therein a clause to prohibit
the sale of Wines or Spirits by any licensed retailer of
Beer and Cider, and to authorise the confiscation of
any Wines or Spirits found on the premises, resolved
on submitting the said amended Ordinance to Your
Majesty's most gracious consideration :—That there-
upon Your Majesty was, on the 22nd day of April in
the year 1856, graciously pleased, by and with the
Advice of Your Most Honourable Privy Council, to
approve and ratify the said Ordinance so amended as
aforesaid, and to declare Your Royal Will and Pleasure,
that the same should be in force for the further term
of a year and a day :—That at an Assembly of the
States holden on the 30th day of July in the said
year 1856, it was resolved that the regulations
contained in the said Ordinance, as set forth in the

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Schedule annexed to the said Petition, should be once more submitted to Your Majesty's gracious consideration, with a view to their receiving Your Majesty's sanction as a permanent measure. And humbly praying that Your Majesty might be graciously pleased to declare Your Royal Will and Pleasure, that the regulations relating to the sale of Beer and Cider, as approved and ratified by Your Majesty, as a temporary measure, by Your Majesty's Order in Council of the 22nd day of April, 1856, shall be henceforth in force within the Island of Guernsey as a permanent Law.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of reference, have this day taken the said Petition into consideration, and agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to declare, that the said Regulations so approved by Your Majesty as aforesaid, as a temporary measure, should be henceforth in force in the Island of Guernsey as a permanent Law.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order and declare, and it is hereby ordered and declared, that the Regulations relating to the sale of Beer and Cider, which were approved and ratified by Her Majesty as a temporary measure, by Her Order in Council of the 22nd day of April 1856, shall be henceforth in force in the Island of Guernsey as a permanent Law. And Her Majesty is further pleased to order, that the said Regulations (as set forth in the Schedule hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly, and the Lieutenant - Governor or Commander - in - Chief of Her

Majesty's Island of Guernsey, for the time being, the Bailiff, and States of the said Island, and all other persons whom it may concern, are to take notice of Her Majesty's Pleasure hereby signified, and govern themselves accordingly. _____ WM. L. BATHURST.

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SCHEDULE to which reference is made in the foregoing Order :—

RÈGLEMENT POUR LE DÉBIT DE LA BIÈRE ET
DU CIDRE.

1.—Il ne sera pas permis à qui que ce soit, à l'exception de ceux qui ont une Licence de Cabaretier, de vendre en détail de la Bière ou du Cidre, pour être bû sur les lieux occupés par le vendeur, sans en avoir préalablement obtenu Licence.

2.—La Cour Royale statuera sur la manière d'accorder les Licences, ainsi que sur les règlements qui devront être observés par ceux qui les auront obtenues. Bien entendu, que les Licences ne seront en force que pendant an et jour, et que le taux des Licences, (y compris les frais d'obtention), n'excédera pas 30 schellings pour la première année, et 21 schellings pour chaque année subséquente. Bien entendu aussi, qu'il sera spécialement défendu à ceux auxquels les dites Licences auront été accordées de débiter des liqueurs spiritueuses ou du vin, et que tous vins et liqueurs spiritueuses trouvés sur les lieux seront sujets à confiscation.

3.—Tous ceux qui auront enfreint le premier article de ce présent Règlement seront passibles d'une amende, qui ne sera pas moindre de £14 Tournois et n'excédera pas £30 Tournois; et, si la partie est étrangère, elle sera de plus sujette, en cas de récidive, à donner caution à discrétion de justice, ou à vuidier l'île. Et, après la deuxième infraction, sera tout individu passible d'une amende, à discrétion de justice, qui n'excédera pas £140 tournois.

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(Enregistré sur les Records le 21 Février 1857.)

AT THE COURT AT WINDSOR

the 7th day of February, 1857

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

Salaire du
Prévôt de la
Reine.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 5th of this instant February, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by your Order in Council of the 18th of October 1854, to refer unto this Committee the Humble Petition of Peter Martin, Her Majesty's Prévost, or Sheriff, in the Island of Guernsey, setting forth :—That the said Petitioner was elected to the said office on the first November, One thousand eight hundred and fifty one, as successor to Nicholas Lefebvre, Esq., deceased, one of whose Deputies the said Petitioner had been since the year One thousand eight hundred and twenty seven :—That the Prévost is the Executive Officer of Justice in the Island of Guernsey, both in civil, and in criminal matters :—That to him belongs the committal of all prisoners to gaol, whether upon sentence of the Police Court, or of the Criminal Court, including the conducting of them on every occasion from the Court House to the Gaol :—That he has to be present at all sittings of the Police and Criminal Courts, he having to execute all sentences of both tribunals, and the charge of all prisoners whilst in the Criminal Court :—That the Prévost has, by virtue of his office, the supervision of the Gaol, and that by a recent Ordinance of the Royal Court, the duties connected with such supervision have been considerably increased, thereby involving greater responsibility, and additional sacrifice of time :—That the Prévost

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has the custody of the Weights and Measures, and has to verify and stamp such as are used in the said Island :—That he has also the supervision of all water courses, and is to prevent their being diverted from their proper channels, or in any way misappropriated :—That he has the summoning of the twelve Jurats of the Royal Court, some of whom may happen to live miles out of Town, whenever they are required by the Bailiff to meet for any special purpose, and the Royal Court being an Administrative, as well as a Judicial body, such special meetings are of very frequent occurrence :—That the Lieutenant-Governor being entitled, in virtue of his office, to be present at all meetings of the States of the Island, as well as at all meetings of the Court of Chief Pleas, the Prevost is bound on all such occasions to wait upon his Excellency, and give notice of such meetings :—That for all the above-mentioned duties, with the exception of fees barely more than nominal for the stamping of weights and measures, the Prevost receives only the trifling sum of Two Hundred Livres Tournois or Fourteen pounds five shillings and nine pence Sterling, from Your Majesty's civil revenue :—That formerly, and from time immemorial, all Your Majesty's Officers, the Procureur, the Contrôle, the Greffier, the Prevost, and the Sergeant, received an equal salary of ten livres tournois per annum :—That by what was expressly stipulated to be a private convention, not in any way binding upon their successors, made in the year 1784, between the Prevost and the Receiver of Lord Amherst, the Governor of Guernsey, and as such enjoying the local Crown Revenue, it was stipulated, that the aforesaid payment of Two Hundred Livres Tournois or Fourteen pounds five shillings and nine pence Sterling should be made to the Prevost in lieu of all fees then received by him for the discharge of all public duties :—That it appears from an

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extent or inquisition made in the reign of King Edward III., A.D., One thousand three hundred and thirty one, respecting the Crown Revenues, that the Prevost was entitled to a horse, with the necessary forage for his keep out of the said revenues, which provision has either ceased, or is supposed to be included in the aforesaid sum of Two Hundred Livres Tournois or Fourteen pounds five shillings and nine pence Sterling :—That the duties of the Prevost have for very many years past, owing to the increased population in the Island been of so arduous a nature, as to require either the keeping or constantly hiring of a horse and his employing either one or two Deputies :—That by an Order in Council, bearing date the fourteenth August, One thousand eight hundred and thirteen, obtained upon a petition of the then Bailiff, the salary of the Bailiff was raised from Thirty Livres Tournois to Three hundred pounds Sterling, that of the Procureur to One hundred pounds Sterling, that of the Contrôle to Fifty pounds, and that of the Greffier to Forty pounds Sterling :—That by an Order from the Lords of Your Majesty's Treasury, issued in the year One thousand eight hundred and thirty eight, the salary of the Procureur was further raised to Two hundred pounds Sterling, and that of the Contrôle to One hundred pounds Sterling, and by another Treasury Order in One thousand eight hundred and forty two, the salary of the Sergeant was raised to Fifty pounds Sterling :—That the said Petitioner has learnt from his predecessor, and has reason to believe, that the Prevost's salary would in One thousand eight hundred and thirteen have also been raised had he been included in the Bailiff's petition, which was made without his participation or knowledge :—That the said Petitioner is informed that the Viscount or Sheriff of the Island of Jersey, whose duties are quite analogous to those of the

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Prevost in Guernsey, is allowed a salary of One hundred pounds Sterling per annum, from the Crown Revenue of that Island :—And humbly praying that Your Majesty might be graciously pleased to order, that the said Petitioner may receive from Your Majesty's revenue in the said Island, a similar sum to that allowed to the Viscount of the Island of Jersey, or any other such sum as Your Majesty shall deem the said Petitioner's services entitle him to.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition into consideration, together with a Letter from the Secretary of the Lords Commissioners of Your Majesty's Treasury, and other Documents on the subject of the said Petition, and the Lords of the Committee, being of opinion that the Prayer of the said Petitioner for an increase of salary is reasonable, regard being had to the additional Duties recently assigned to him, and to the expenses incurred by him in providing a Deputy, a Clerk and an Office :— Their Lordships do thereupon agree humbly to report as their opinion to Your Majesty, that a salary of One hundred pounds Sterling per annum may properly be paid to the present, and any future Prevost, or Sheriff, of the Island of Guernsey, out of the Revenues of the said Island, in lieu of his ancient allowances of Two Hundred Livres Tournois, or Fourteen pounds five shillings and eight pence Sterling, and that such increased salary do commence from the 1st of January, in this present year 1857. And their Lordships further agree humbly to report as their opinion, that in consideration of such increased salary, the said Prevost should perform all Duties that may be

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required on the part of the Government, without his being entitled to claim or to receive any Fees in respect of such services."

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof. And Her Majesty doth hereby direct, that there be paid out of the Revenues of the Island of Guernsey the annual sum of One hundred pounds Sterling as a salary to the Prevost, or Sheriff, of the said Island, for the time being, in lieu of his ancient allowance of Two Hundred Livres Tournois, or Fourteen pounds five shillings and eight pence Sterling, and that such increased salary do commence from the 1st of January, 1857. And Her Majesty is further pleased to Order that, in consideration of such increased salary, the said Prevost shall perform all the Duties that may be required of him on the part of the Government of the said Island, without his being entitled to claim or to receive any Fees in respect of such services. Whereof all persons whom it may concern are to take notice of Her Majesty's pleasure herein signified, and govern themselves accordingly.

WM. L. BATHURST.

(*Enregistré sur les Records le 16 Mai 1857*).

AT THE COURT AT BUCKINGHAM PALACE
the 6th day of May 1857

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

(Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th April 1857):—

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to grant to the States of the Island of Guernsey authority to continue to levy, as well the Impôt on Wines, as the Harbour Dues created by Her Majesty's Order in Council of

Havre de St.
Pierre-Port.
Impôt.
Droits du
Havre.

the 14th of November 1851, until such time as the total cost, as well of the works specified in former Orders in Council, as of the works enumerated in the Order in Council of the 28th of July 1856, including the several modifications set forth in the above report, with all sums borrowed for executing the said several works, shall have been entirely defrayed and paid off. And Her Majesty is further pleased to order that, so far as regards the several modifications aforesaid, the said States shall enjoy all such authorities and powers, and shall be subject to the same conditions and provisions, as if the said modifications had been comprised in Her Majesty's said Order in Council of the 28th of July 1856. And Her Majesty is further pleased to order and direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly. Whereof the Lieutenant-Governor of the Island of Guernsey, the Bailiff and Jurats of the Royal Court of the said Island, and all other persons whom it may concern, are to take notice, and govern them themselves accordingly.

W. M. L. BATHURST.

(Enregistré sur les Records le 6 Juillet 1857).

AT THE COURT AT BUCKINGHAM PALACE

the 25th day of June 1857

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE ALBERT, &c.

WHEREAS there was this day read at the Board a Retrait
Foncier.
Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th day of May last, in the words following, viz:—

“YOUR MAJESTY having been pleased, by Your Order in Council of the 6th of May instant, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth:—That in Your Majesty's Island of Guernsey the land is to a great extent encumbered with Rents charged on it in perpetuity:—That on the 22nd July 1847, Your Majesty was graciously pleased, by and with the advice of Your Most Honourable Privy Council, to approve and ratify

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a Law, having for its object to diminish the evil by providing that, on a Rent being sold, the owner of the Land on which it is charged, should be at liberty to take the bargain, and so to wipe off the incumbrance:—That the said Law, being in force for ten years only, from the time of Your Majesty's Order in Council being registered by the Royal Court, will expire on the 30th July 1857:—That this Law, having been found beneficial in its operation, the Royal Court, on the 29th November 1856, adopted a *Projet de Loi*, having for its object to renew the provisions thereof, with certain amendments, as a permanent measure, in order that, if approved by the States, the same might be submitted to Your Majesty's gracious consideration. That at an Assembly holden before the said Petitioner on the 6th of March 1857, the said *Projet de Loi* was approved by the States in the form set forth in the Schedule annexed to the said Petition:—And humbly praying that Your Majesty would be graciously pleased to sanction the said *Projet de Loi* and to Declare Your Royal Will and Pleasure that the same shall have the force of Law within the Bailiwick of Your Majesty's Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and *Projet de Loi* into consideration, and do agree humbly to report as their opinion to Your Majesty:—That it may be advisable for Your Majesty to sanction the said *Projet de Loi* as prayed in the said Petition.”

HER MAJESTY, having taken the said Report into consideration, was pleased by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi* and to order, and it is hereby ordered, that the same shall have the force of Law

within the Bailiwick of Her Majesty's Island of Guernsey:—And Her Majesty is further pleased to Order that the said *Projet de Loi* (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly:—And the Lieutenant-Governor or Commander-in-Chief, and the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers in the said Island for the time being, and all other persons whom it may concern are to take notice of Her Majesty's Pleasure hereby signified, and govern themselves accordingly.

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WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing Order:—

LOI RELATIVE AU RETRAIT FONCIER.

1.—Lorsqu'une Rente est vendue, le Propriétaire du fonds pourra la retirer et en décharger son fonds, en remboursant à l'acquéreur le prix, avec le Congé payé au Seigneur, un vingt-quatrième sur ledit prix, et loyaux coûts, ainsi que l'intérêt dudit prix depuis la date de l'enregistrement du contrat de vente sur le pied de cinq pour cent par an;—Et aura ledit Propriétaire retrayant droit aux arrérages échus depuis l'enregistrement dudit Contrat.

2.—Ledit droit de retrait sera prescrit par le laps d'an et jour, à compter de l'enregistrement du contrat de vente de la rente.

3.—Le Propriétaire du Fonds pourra intenter cause pour obtenir ledit retrait en toute Cour, tant en vacance qu'autrement; pourra aussi l'acquéreur de la rente intenter cause contre le Propriétaire du Fonds en toute Cour, tant en vacance qu'autrement, à voir dire qu'il sera approprié de son marché faute audit Propriétaire du Fonds de retirer ladite rente dans quinzaine du jour de l'Acte obtenu, lequel dit Pro-

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priétaire, s'il ne clame ledit retrait lors de l'évocation de la cause, sera tenu d'intenter cause pour obtenir ledit retrait dans ladite quinzaine à peine de déchéance. Et sera cette cause terminée par un seul défaut.

4.—Le Propriétaire du Fonds sera préféré pour son droit de retrait aux Lignagers du Vendeur et au Seigneur Féodal.

5.—Cette Loi sera en force à compter du 31 Juillet 1857.

(Enregistré sur les Records le 12 Septembre 1857).

AT THE COURT AT BUCKINGHAM PALACE

the 27th day of August 1857.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS PRINCE CONSORT, &c.

Bordages.
Consignation
de prix en
matière de
Retrait.
Exécuteur des
Hautes
Œuvres,
Prévôt de la
Reine.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of July last, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your Order in Council of the 18th of October 1854, to refer unto this Committee, the Humble Petition of Messrs. Ozanne Bros., Ferdinand Brock Tupper, Esq., Mr. William Sarchet, Mr. Nicholas Gallienne, Mr. Daniel Naftel, Mr. Henry Daniel Mauger Attorney to Charles Marion Welstead, Esq., Mr. Peter Blampied, Mr. John Robin, John Le Mottée, Esq., Thomas Fiott De Havilland, Esq., Mr. Elias de la Rue, and Mr. Henry Le Sauvage, Bordiers in the Island of Guernsey setting forth :—That your Petitioners are Tenants in fee of certain parcels of Land on Your Majesty's Fiefs in the Island of Guernsey, to wit :—Ozanne Brothers, of a parcel of land situate in the Parish of St. Peter-Port, and termed “Bordage Durand” :—Ferdinand Brock Tupper, of a parcel of land situate

in the said Parish of St. Peter-Port, and termed "Bordage Cornet":—William Sarchet, of a parcel of land situate in the said Parish of St. Peter-Port, and termed "Bordage Lésant":—Nicholas Gallienne, of a parcel of Land situate in the said Parish of St. Peter-Port, and termed "Bordage Ronchefer":—Daniel Naftel, of a parcel of land situate in the said Parish of St. Peter-Port, and termed "Bordage Trousse":—Henry Daniel Mauger Attorney to Charles M. Welstead, of a parcel of land situate in the Parish of St. Sampson, and termed "Bordage Geffrey":—Peter Blampied, of a parcel of land situate in the Parish of St. Sampson, and termed "Bordage Testart":—John Robin, of a parcel of land situate in the Parish of St. Sampson, and termed "Bordage Fantôme":—John Le Mottée, of a parcel of land situate in the parish of St. Martin, and termed "Bordage Seth":—Thomas Fiott De Havilland, of a parcel of land situate in the parish of St. Andrew, and termed "Bordage Almanac":—Elias De La Rue, and Henry Le Sauvage, of two parcels of land situate in the Parish of the Forest, and termed "Bordage Videclin" and "Bordage Trousse":—That the above-named parcels of land are free from all rents and services to Your Majesty, except as is hereinafter set forth:—That your Petitioners, as holders of the said Bordages, owe suit and service to the Court of Chief Pleas, held three times in the year, and are consequently by law entitled to the privilege of attending the dinners provided at the cost of Your Majesty's Revenue at the said Chief Pleas:—That Your Petitioners are also bound to appear in turn at the "Plaids d'Héritage," holden three times in each term, at the Royal Court of the said island:—That Your Petitioners are also bound, either in person or by substitute, to attend the Sheriff as Javelin men when a Prisoner is produced before the Royal Court after committal, or conducted to

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the place of execution :—That the attendance of Your Petitioners at the Court of Chief Pleas, and their appearance at the Court of “*Plaids d’Héritage*,” are mere formalities and are productive of no public benefit :—That the services of Your Petitioners as a guard for prisoners are not often required :—That Your Petitioners therefore, being ready and willing to resign into Your Majesty’s hands the privilege of attending at the Chief Pleas dinners, most humbly pray that Your Majesty will be graciously pleased to order and declare, that the lands and tenements holden by them respectively as *Bordages*, shall be henceforth quit and free from all rents and services to Your Majesty whatsoever.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition into consideration, together with a letter from the Bailiff of Guernsey, and other documents in relation, as well to the said Petition, as to the vacant office of *Exécuteur des Hautes Œuvres*, in the said Island of Guernsey, and the measures proposed for providing for the performance of the duties of the said Office. And Your Majesty, having been pleased, by Your Order in Council of 7th February last, to direct that, in consideration of a certain increase of salary thereby accorded to Your Majesty’s *Prévôt*, or Sheriff, of the said island, the said *Prévôt* should perform all the duties required of him on the part of the Government of the said Island, without his being entitled to claim or receive any fees in respect of such services. The Lords of the Committee, being of opinion that the Petitioners may with propriety be discharged from the performance of the duties set forth in the said

Petition, and that the Office of *Exécuteur des Hautes Œuvres* in the said island may be left unfilled, provided that due provision be made for the exigencies of the public service:— Their Lordships do thereupon agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to order and direct:—

1.—That the Bordage Tenements enumerated in the Petition hereinbefore set forth, shall be held by the Petitioners, their heirs, and assigns, for ever, free from the suit and service now due to Your Majesty in respect thereof, whereupon the holders of the said Tenements shall cease to enjoy the privilege of attending at the Chief Pleas dinners.

2.—That the Bordage “Edmond de la Rue” shall be similarly enfranchised from all suit and service to Your Majesty.

3.—That no evocation of Bordiers shall take place at the Courts of Chief Pleas and “Plaids d’Héritage.”

4.—That, where a “Retrait” is allowed, instead of requiring that the purchase money should be consigned at the Greffe Office within twenty-four hours, the Order of the Court shall require such consignment to be made before three o’clock in the afternoon of the following day.

5.—That the duty of taking charge of Prisoners between the Prison and Court House, and when taken to the place of execution, shall devolve upon the Prévôt, provided that he shall be entitled, when he requires assistance therein, to that of the Portier and other Officers of the Prison.

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6.—That in all penal cases, the duty of carrying into execution the sentence of the Court, shall also devolve upon the Prévôt, provided that all disbursements incurred by him for the furnishing of any requirements necessary in the execution of any such sentence, and for the payment of persons employed to execute the same, shall be defrayed by the Receiver-General, for the time being, out of the Crown Revenues of the said Island.

7.—That no successor be appointed to the office of *Exécuteur des Hautes Œuvres*.

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order and direct:—

1.—That the Bordage Tenements enumerated in the Petition hereinbefore set forth, shall be held by the Petitioners, their Heirs and Assigns, for ever, free from the suit and service now due to Her Majesty in respect thereof, whereupon the holders of the said Tenements shall cease to enjoy the privilege of attending at the Chief Pleas dinners.

2.—That the Bordage “Edmond de la Rue” shall be similarly enfranchised from all suit and service to Her Majesty.

3.—That no evocation of Bordiers shall take place at the Courts of Chief Pleas and “Plaidis d’Héritage.”

4.—That, where a “Retrait” is allowed, instead of requiring that the purchase money should be consigned at the Greffe Office within twenty-four hours, the Order of the Court shall require such consignment to be made before three o’clock in the afternoon of the following day.

5.—That the duty of taking charge of Prisoners between the Prison and Court House, and when taken to the place of execution, shall devolve upon the

Prévôt, provided that he shall be entitled, when he requires assistance therein, to that of the Portier and other Officers of the Prison.

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6.—That in all penal cases, the duty of carrying into execution the sentence of the Court, shall also devolve upon the Prévôt, provided, that all disbursements incurred by him for the furnishing of any requirements necessary in the execution of any such sentence, and for the payment of persons employed to execute the same, shall be defrayed by the Receiver-General, for the time being, out of the Crown Revenues of the said Island.

7.—That no successor be appointed to the office of *Exécuteur des Hautes Œuvres*.

Whereof the Lieutenant-Governor of the Island of Guernsey for the time being, the Bailiff, and Jurats of the Royal Court of the said island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

(*Enregistré sur les Records le 14 Octobre 1857.*)

AT THE COURT AT BALMORAL

the 24th day of September 1857

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

(Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st of September 1857):—

HER MAJESTY having taken the said Report into con- Impôt.
sideration, was pleased, by and with the advice of Her Privy Council to approve thereof, and to authorise the States of the island of Guernsey, and they are hereby authorised to levy the further sum of threepence per gallon by way of Impôt, on all spirits consumed in the said island, the said authority to be in force for the period during which the said States are authorised to levy the Impôt of one shilling per gallon under Her Majesty's Orders in Council, of the 1st day of March 1849, and 4th day of January 1853, and this in as

1858.

full and ample a manner as if the authority to levy the said additional Impôt had been contained in the said Orders in Council; provided always that, out of the proceeds of the said Impôt, there shall be applied, yearly and every year, the sum of Two hundred and fifty pounds, towards the reduction of the Fountain Street Debt.

Whereof the Lieutenant-Governor of Her Majesty's Island of Guernsey, the States of the said Island, and all other Her Majesty's subjects within the same, are to take notice and govern themselves accordingly.

C. C. GREVILLE.

(Enregistré sur les Records le 12 Juin 1858.)

AT THE COURT AT BUCKINGHAM PALACE

the 5th day of June 1858

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY, &c.

Loi relative à
la Fumée produite par
Fourneaux.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 10th day of May last, in the words following, viz:—

“YOUR MAJESTY having been pleased by Your Order in Council of the 6th April last, to refer unto this Committee the humble Petition of Peter Stafford Carey, Esq., Bailiff of the Island of Guernsey, setting forth:—That within the Town and Parish of St. Peter-Port, in the said Island of Guernsey, there was a population of seventeen thousand inhabitants:—That, in order to provide a remedy for the nuisance occasioned by the smoke arising from furnaces within the said Town and Parish, the Royal Court of the said Island of Guernsey, at the Chief Pleas after Michaelmas, in the year 1857, adopted a Projet de Loi, intituled “Loi relative à la Fumée produite par les Fourneaux dans la Ville et Paroisse de St. Pierre-Port,” as set forth in the Schedule annexed to the said Petition, in order that, if approved by the States

of the said Island, the same might be submitted to Your Majesty's gracious consideration:—That, at an Assembly holden before the said Petitioner, on the 12th day of February, in the year 1858, the said Projet de Loi was approved by the said States; And humbly praying that Your Majesty might be graciously pleased to sanction the said Projet, and to declare Your Royal Will and Pleasure that the same should have the force of Law.

1858.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition, and the Projet de Loi thereunto annexed, into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to sanction and confirm the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof; And Her Majesty is further pleased to ratify and confirm the said Projet de Loi, and to Order, as it is hereby Ordered, that the same (copy whereof is hereunto annexed) together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. Whereof the Lieutenant-Governor and Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers in the said Island for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing Order:—

1858.

LOI RELATIVE A LA FUMÉE PRODUITE PAR LES
FOURNEAUX DANS LA VILLE ET PAROISSE DE
ST. PIERRE-PORT.

Dans le délai de six mois, à partir de la promulgation de la présente Loi, les propriétaires d'usines dans la Paroisse de Saint Pierre-Port, où il est fait usage d'appareils à vapeur, et les propriétaires de brasseries, distilleries et fonderies dans ladite Paroisse, seront tenus de construire leurs fourneaux, ou d'en modifier la construction, de manière à y consumer et brûler convenablement la fumée produite par tels fourneaux. Et tout propriétaire ou occupant d'usines, se servant, d'appareils à vapeur, ainsi que tout propriétaire ou occupant de brasserie, distillerie, ou fonderie, dans ladite Paroisse qui après ledit délai expiré, fera usage d'un fourneau qui ne sera pas construit de manière à consumer convenablement la fumée, ou qui fera usage de tel fourneau d'une manière négligente, et de sorte que la fumée ne soit pas convenablement consumée et brulée, ou dont le fourneau sera nuisible au voisinage, faute d'avoir employé les meilleurs moyens pour empêcher telle nuisance, sera passible d'une amende à discrétion de Justice, qui n'excédera pas trente livres tournois, et après la première infraction, d'une amende, à discrétion de Justice, qui n'excédera pas Cent quarante livres Tournois ; et pour chaque infraction subséquente, dans l'an et jour, d'une amende à discrétion de Justice, qui n'excédera pas le double de l'amende adjugée par la sentence précédente.

Les amendes adjugées en vertu de la présente Loi seront applicables moitié à Sa Majesté et moitié au délateur.

(Enregistré sur les Records le 11 Septembre 1858.)

1858.

AT THE COURT AT OSBORNE HOUSE (ISLE OF
WIGHT)

the 2nd day of September 1858

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 30th day of August last, in the words following, viz. :—

Havre de St.
Pierre-Port.
Impôt.
Droits du
Havre.

“YOUR MAJESTY having been pleased by Your Order in Council of the 6th of April last, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That the States of Your Majesty's said Island of Guernsey, by a resolution passed at an assembly holden on the 6th day of June, in the year 1851, voted the execution of certain works for the improvement of the harbour of Saint Peter-Port, the said works forming part of a more extensive design furnished by Mr. Rendel, C.E. : That upon the Petition of the said States Your Majesty was graciously pleased, by and with the advice of Your Most Honourable Privy Council, to issue an Order bearing date the 14th day of November 1851, whereby, among other things, Your Majesty was graciously pleased to sanction and authorise the levying of the several dues or duties specified in a certain Tariff set forth in a Schedule annexed to the said Order, the said dues or duties consisting of an Impôt on Wines, and certain Harbour Dues, the net produce of the said dues or duties, after certain payments in the said Order specified, to be applied exclusively to defray the expenditure in respect of the works so voted as aforesaid :—That by an Order in Council bearing date the 19th day of August, in the year 1853,

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Your Majesty was graciously pleased to authorise the said States to charge upon the Harbour funds the expense of constructing certain further works, which had been voted by the States at an assembly holden on the 22nd day of October, in the year 1852:—That by two subsequent Orders in Council bearing date respectively, the 28th day of July in the year 1856, and the 6th day of May in the year 1857, Your Majesty was further graciously pleased, by and with the advice aforesaid, among other things, to sanction and authorise the said States to continue to levy, as well the Impôt on Wines, as the Harbour Dues created by Your Majesty's Order in Council of the 14th day of November, in the year 1851, until the total cost had been defrayed, as well of the works then already commenced, as of certain further works that had been voted by the said States for the improvement of the Harbour, as set forth in the said Orders; to which purpose it was directed that the net surplus of the said dues or duties should be specially applied after providing for the cost of collection, the payment of salaries, and other ordinary expenses of the Harbour and its dependencies, as therein set forth:—That at an assembly holden on the 12th day of February, in the year 1858, the said States passed several resolutions, whereby they adopted certain modifications to be introduced into the works previously voted, and, subject to Your Majesty's authority on that behalf, voted the execution of certain additional works for the improvement of the Harbour:—That the said modifications and additional works may be described as follows:—

First.—The formation of an enclosed space of ground containing three acres and three quarters, or thereabouts, in the angle caused by the junction of the Horn Pier with the Castle Pier, or Southern Arm, the principal

part of the filling thereof to be obtained by dredging the low water basin, so as to deepen the same. 1858.

Second.—The reconstruction of the Southern Quay of the Old Harbour, in a line parallel to the quay on the North side of the Floating Dock, and the building of a high-level Terrace between the two quays.

Third.—The completion of the Horn Pier on the Eastern side of the Floating Dock, with Landing-place Head.

Fourth.—The extension of the quay on the Northern side of the Floating Dock, from the point specified in Your Majesty's Order in Council of 28th day of July, 1856, for 150 feet, so as to afford a temporary landing place; and the further extension of the said Quay to its Eastern extremity, so as to complete the basin of the Floating Dock, together with the Dock gates at the entrance thereof.

That the dues levied under Your Majesty's said Order in Council of the 14th day of November, 1851, produce an income of Five thousand pounds a year and upwards:—That there exists for works already executed under the votes of the States, as specified in Your Majesty's Order in Council of 14th day of November, 1851, and 19th day of August, 1853, a debt amounting to somewhat less than Forty-one thousand pounds, bearing interest at the rate of Three per cent. per annum:—That certain agreements have been entered into with a contractor for the execution of the works voted by the States and specified in Your Majesty's Order in Council of the 28th day of July, 1856, together with the modifications therein specified in Your Majesty's Order in Council of the 6th day of May, 1857, for the collective sums of Fifty-seven

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thousand Five hundred and Eighty-eight pounds, twelve shillings and two pence :—That the cost of the modifications and additional works voted at the said assembly of the 12th day of February, 1858, and hereinbefore set forth, has been estimated at a sum under Forty-four thousand pounds :—That for the purpose of raising the necessary funds, in order to pay off the existing debt with interest thereon, and to provide for the expenditure, as well in respect of the works now in progress, as of the modifications and additional works voted at the said Assembly on the 12th day of February, 1858, the States at the said Assembly, subject to your Majesty's sanction, approved a new Tariff of Dues, set forth in Schedule A, annexed to the said Petition, to be substituted for the Tariff of Dues, the levying of which was sanctioned and authorised by Your Majesty's aforesaid Order in Council of the 14th day of November, 1851 :—That the new Tariff of Dues consists of :—

First.—An Impôt on Wines of Ninepence per gallon, in lieu of the present Impôt of Sixpence per gallon.

Second.—A Duty of goods imported, of Two Shillings per ton, instead of the present duty of One shilling per ton.

Third.—Certain tonnage dues on vessels, calculated to amount, as nearly as possible, to those at present payable by vessels, under the several denominations of “Tonnage Dues,” “Anchorage and Chainage Dues,” and “Harbour Master's fees.”

That it is estimated that the said proposed dues will produce an income of Seven thousand Six hundred pounds a year :—That it is proposed, that after providing for the cost of collection, the payment of salaries, and other ordinary expenses of the Harbour and its Dependencies, the net produce of the said

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Dues or Duties should be applied exclusively to pay off the sums already borrowed, and to defray the expenditure in respect of the several works that have been voted for the improvement of the Harbour, including the modifications and additional works voted at the said Assembly of the 12th day of February, 1858, as hereinbefore described, and that the levying thereof should cease as soon as such expenditure shall have been defrayed, and all monies borrowed in respect thereof paid off:—That a Careening Hard having been made, and a Floating Dock being in course of construction, provision is made in the said Tariff for the payment of certain sums in respect of vessels making use of the same:—That before the Tariff of 1851 came into force, certain ancient Dues or Duties under the denomination of “La Petite Coutume” were, by virtue of certain Royal Charters, vested in perpetuity in the Bailiff and Jurats, the produce of the said Dues or Duties being applicable, in the first place to the ordinary expenses of the Harbour, and, these being provided for, to the general purposes of the Island:—That, upon the petition, as well of the Royal Court as of the States, Your Majesty was, by your aforesaid Order in Council of the 14th day of November, in the year 1851, further graciously pleased to authorise the Bailiff and Jurats, from and after the time when the cost of the Harbour Works in the said Order specified should have been fully defrayed, to levy, in lieu of the said ancient Dues or Duties of “La Petite Coutume,” certain other Dues or Duties in the said Order set forth, the Dues or Duties consisting:—

1st of certain Duties on goods imported,

2nd of certain Dues on shipping,

the said Dues or Duties to be vested in and levied by the Bailiff and Jurats in perpetuity, and to be applied by them as follows;—The Dues on shipping to the purposes of the Harbour, and the Duties on goods to

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the general purposes of the Island :—That, previously to the holding of the said Assembly of the States of the 12th day of February, 1858, the said Bailiff and Jurats, by an Act of Court bearing date the 29th day of January, 1858, declared that, subject to the sanction of Your Majesty, they would be ready to consent that the new Tariff of Dues, as set forth in Schedule A annexed to the said petition, should be substituted for the Tariff of 1851, provided, among other things, that Your Majesty would be graciously pleased to grant to the Bailiff and Jurats of Your Majesty's said Island of Guernsey authority, from and after the time when the cost of the several works voted for the improvement of the Harbour of St. Peter-Port shall have been defrayed, to levy certain Dues or Duties equivalent to those reserved to the Bailiff and Jurats by the said Order of the 14th day of November in the year 1851, the said dues, as set out in the Schedule B annexed to the said petition, to be vested in and levied by the Bailiff and Jurats, in as full and ample a manner as the said Dues, so reserved as aforesaid to the said Bailiff and Jurats by the said Order, and subject to similar conditions. And humbly praying :—

First :—That Your Majesty would be graciously pleased to grant to the States of the Island of Guernsey, licence and authority to take and occupy so much of the sea shore, as may be required for the formation of the enclosed space of ground hereinbefore described, and to grant to the said States the fee and freehold thereof.

Second :—That Your Majesty would be graciously pleased to sanction the Tariff of Dues set forth in the Schedule annexed to the said petition, (marked A), and to authorise the levying of the Impôt on Wines, the Duty of Goods imported, and the Tonnage Dues contained in the said Tariff, until such time as the sums already borrowed, and the expenditure that may

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have been incurred in respect of the several works that have been voted for the improvement of the Harbour, including the modifications and additional works voted at the assembly of the said States holden on the 12th day of February, 1858, in the said petition before described, shall have been entirely discharged and paid off; to which purpose the net produce derived from the levying of the same shall be specially applied, after providing for the cost of collection, the payment of salaries, and other ordinary expenses of the Harbour and its dependencies, including the Harbour Lights, and the Buoys and Beacons round the coast, as well as the new Quays, Piers, Roadways, Esplanades, Tanks, and other works with their appurtenances, from the Terres Point to Glatigny, the said expenses including the cost of maintaining the said works, together with the drainage and lighting thereof. And further to authorize the levying, on vessels making use of the Careening Hard and Floating Dock, of the sums specified in the said Tariff, the proceeds of the same to be applied to the Harbour Fund.

Third :—That Your Majesty would be graciously pleased to grant to the Bailiff and Jurats of Your Majesty's Island of Guernsey authority, from and after the time when the expenditure that shall have been incurred in respect of the several works voted for the improvement of the Harbour shall have been entirely discharged and paid off, to levy the Dues or Duties set forth in the Schedule annexed to the said Petition, (marked B), the said Dues or Duties to be vested in and levied by the said Bailiff and Jurats in lieu and place of the ancient dues of "La Petite Coutume," in as full and ample a manner as the Dues reserved to the said Bailiff and Jurats by Your Majesty's Order in Council of the 14th day of November, 1851; provided always that the produce of the

1858.

Dues on Shipping set forth in the said Schedule shall constitute a special fund for the Harbour, and that the produce of the Duties on goods imported set forth in the said schedule, shall stand in lieu of the surplus which formerly remained of the Harbour Revenue, after payment of the ordinary expenses of the Harbour, and shall be applicable to the wants of the Island in general.

“ THE LORDS OF THE COMMITTEE, in obedience to Your Order of Reference, have this day taken the said petition of the States of the Island of Guernsey into consideration, together with an Act of the said States bearing date the 21st day of June, 1858, accepting the conditions under which Your Majesty’s Government had declared that it was ready to consent to the proposed modification in the Harbour Works, which conditions are as follows, viz. :—

1.—That the boundary line for the Ship-building yard, and the filling for it, or any deposit of rubbish, be not allowed to extend beyond that now laid down, (as shewn on a plan), from D to E on the North-east side, and the whole space beyond it to the East, and all the shore outside the Breakwater remain the exclusive property of the War Department, and at its disposition.

2.—That all the fences and buildings not belonging to the War Department in the Ship-building yards, and between them and the Floating Dock, including any on the Horn Pier, be of timber and thoroughly combustible, and not carried higher than the parapet of the nearest angle of the Fort.

3.—That a practicable carriage way be at all times maintained between the Town and the

1858.

Castle, and remain constantly open and free for the use of the Military. And their Lordships do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of, and sanction what is proposed in the said petition of the States, subject to the above conditions."

HER MAJESTY, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approved of what is therein proposed, and to grant to the States of the Island of Guernsey, subject to the conditions in the said Report set forth, licence and authority to take and occupy so much of the sea shore, as may be required for the formation of the enclosed space of ground in the said Report described, and to grant to the said States the fee and freehold thereof. And Her Majesty is further pleased, subject as aforesaid, to sanction the Tariff of Dues set forth in the Schedule hereunto annexed, (marked A), and to authorise the levying of the Impôt on Wines, the Duty on goods imported, and the Tonnage dues contained in the said Tariff, until such times as the sums already borrowed, and the expenditure that may have been incurred in respect of the several works that have been voted for the improvement of the Harbour, including the modifications and additional works voted at the Assembly of the said States holden on the 12th day of February, 1858, in the said Report described, shall have been entirely discharged and paid off, to which purpose the net produce derived from the levying of the same shall be specially applied, after providing for the cost of collection, the payment of salaries, and other ordinary expenses of the Harbour, and its dependencies, including the Harbour Lights, and the Buoys and Beacons round the coast, as well as the New

1858.

Quays, Piers, Roadways, Esplanades, Tanks and other works, with their appurtenances, from the Terres point to Glatigny, the said expenses including the cost of maintaining the said works, together with the drainage and lighting thereof; and further to authorise the levying on vessels, making use of the Careening Hard and Floating Dock, of the sums specified in the said Tariff, the proceeds of the same to be applied to the Harbour Fund. And Her Majesty is further pleased, subject as aforesaid, to grant to the Bailiff and Jurats of Her Majesty's Island of Guernsey, authority, from and after the time when the expenditure that shall have been incurred in respect of the several works voted for the improvement of the Harbour shall have been entirely discharged and paid off, to levy the Dues or Duties set forth in the Schedule hereunto annexed, (marked B), the said Dues or Duties to be vested in and levied by the said Bailiff and Jurats in lieu and place of the ancient Dues of "La Petite Coutume," in as full and ample a manner as the Dues reserved to the said Bailiff and Jurats by Her Majesty's Order in Council of the 14th day of November, 1851. Provided always that the produce of the Dues on Shipping set forth in the said Schedule shall constitute a special fund for the Harbour; and that the produce of the Duties on Goods imported, set forth in the said Schedule, shall stand in lieu of the surplus which formerly remained of the Harbour Revenue after payment of the Ordinary Expenses of the Harbour, and shall be applicable to the wants of the Island in general. Whereof the Lieutenant-Governor or Commander-in-Chief of Her Majesty's Island of Guernsey, the States of the said Island, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. C. GREVILLE.

SCHEDULES to which reference is made in the fore-1858.
going Order:—

SCHEDULE A.*

TARIF DE DROITS.

ARTICLE 1.

Un impôt de neuf pennis par gallon sur tous les vins consommés dans cette île.

ARTICLE 2.

Un droit de deux chelins, par tonneau de deux mille livres brut, sur toutes marchandises importées en cette île, à l'exception de la pierre à chaux, et de la pierre à ciment, qui ne payeront rien, et des objets ci-dessous énumérés qui paieront comme suit:—

	<i>s.</i>	<i>d.</i>
1° Les Chevaux	3	6
2° Les Taureaux, Bœufs, Vaches, Génisses..	2	0
3° Les veaux, au-dessous de trois mois, et autres bestiaux de toute espèce.....	0	4
4° Les Blés, Pois, et Graine de toute espèce, par le quartier Impérial.....	0	6
5° Les bois de Sapin, par anglicé " <i>Petersburgh Standard</i> ," estimé comme suit:		
Pour le Bois en planches, 165 pieds cubes	}	6 0
en poutres, 150 " "		
non équarré, 120 " "		
6° Le chêne et les bois de menuiserie, par charge de 40 pieds.....	2	0
Et sera dans tous les cas le contenu en pieds cubes de bois non équarré, calculé suivant l'usage du commerce.		
Les Liquides, par le tonneau de 210 gallons, mesure du pays.....	2	0

* Un Ordre de Sa Majesté en Son Conseil du 17 Octobre 1860, enregistré sur les Records de cette Ile le 22 Décembre 1860, a substitué un nouveau Tarif de Droits à la place de celui autorisé dans la Cédule A: lequel Nouveau Tarif a été depuis modifié par les Ordres en Conseil (1) du 17 Novembre 1860, enregistré sur les Records le 22 Décembre 1860; (2) du 5 Juillet 1865, enregistré sur les Records le 15 Juillet 1865; et (3) du 21 Février 1872, enregistré sur les Records le 9 Mars 1872.

1858.

N.B.—Pour les liquides en bouteilles, le tonneau sera compté sur le pied de 36 douzaines de bouteilles à vin, de grandeur ordinaire.

Toutes autres marchandises qui paient le fret, non au poids, mais à la mesure, ou par le nombre d'articles, ou tonneau, suivant l'usage du commerce, paieront aussi le droit de la même manière.

Lorsqu'une cargaison contiendra des marchandises appartenant à différents individus non associés, le droit sera calculé séparément sur l'entier de la marchandise appartenant à chaque individu.

Toutes les fois que dans le montant calculé du droit payable par un individu pour sa marchandise, il se trouvera la fraction d'un penny, cette fraction sera comptée pour un penny entier.

Dans tous les cas, où le montant du droit payable par un individu pour sa marchandise ne s'élèvera pas à deux chelins, le maître du navire sera tenu du paiement dudit droit ; sauf à lui de se faire rembourser par le consignataire de la marchandise.

N.B.—Sera l'entier dudit droit remboursé au propriétaire d'une marchandise, (autre que des bestiaux), importée dans l'intention déclarée de la ré-exporter, pourvu qu'elle soit ré-exportée dans le même état, et dans les mêmes emballages, qu'elle fut importée, et que ce soit en quantités de 20 tonneaux pour le moins, d'une même marchandise.

Il sera livré à l'importeur, lorsqu'il déclarera sa marchandise pour exportation, un certificat de la déclaration pour lequel il paiera un chelin, lequel chelin fera partie du revenu du Havre.

ARTICLE 3.

1858.

Un Droit de Tonnage sur la jauge légale anglaise—
des navires, comme suit :—

- 1° Tout navire, qui amarrera ou jettera l'ancre dans la rade, sans y charger ou décharger des marchandises, et sans y embarquer ou débarquer des passagers, paiera un penni par tonneau.
- 2° Tout navire, qui chargera ou déchargera des marchandises dans la Rade, ou qui y embarquera ou débarquera des passagers, paiera trois pennis par tonneau.
- 3° Bien entendu, qu'un navire touchant à Guernesey deux fois dans le cours d'un même voyage, qui déchargera en rade, tant en allant qu'en revenant, et ce dans un intervalle qui n'excédera pas une semaine, ne paiera en revenant qu'un penni et demi par tonneau.
- 4° Tout navire qui entrera dans le Havre sans y charger ou décharger des marchandises, et sans y embarquer ou débarquer des passagers, paiera trois pennis par tonneau.

Bien entendu, toutefois, qu'un navire qui paiera les Droits ci-après spécifiés, ne sera pas sujet aux Droits portés aux articles précédens.

- 5° Tout navire, (à l'exception des bateaux-à-vapeur, et des navires qui jaugeant au-dessous de soixante tonneaux), qui entrera dans le Havre pour y charger ou décharger des marchandises, ou pour y embarquer ou débarquer des passagers, paiera huit pennis par tonneau.
- 6° Les navires qui jaugeant au-dessous de soixante tonneaux, et les bateaux-à-vapeur, paieront cinq pennis par tonneau.
- 7° Les navires de vingt tonneaux ou au-dessous, venant immédiatement de quelque partie du

1858.

Bailliage, pourvu qu'ils n'apportent point de marchandises qui auraient été chargées ailleurs que dans le Bailliage, et qu'ils n'en chargent point pour être déchargées ailleurs que dans le Bailliage, ne paieront que deux pennis par tonneau.

Sera censé la rade (comme par le passé) l'espace compris dans les limites suivantes, savoir :—

Au Sud d'une ligne tirée de la pointe du Nord de la Salerie jusqu'au Rocher de Crévichon.

Au Nord d'une ligne tirée de la pointe du Fort dit "*Clarence Battery*" au rocher dit La Grande Fauconnaire.

Sera censé être entré dans le Havre :

1° Tout navire qui entrera dans l'ancien Havre, ou dans le Carénage.

2° Tout navire qui débarquera des passagers ou marchandises sur un des quais ou chaussées du nouveau Havre, et qui restera au-delà de deux heures le long d'un desdits quais ou chaussées.

3° Tout navire qui prendra fond dans quelque partie de l'espace compris dans l'enceinte du nouveau Havre, et y restera au-delà d'une marée.

Bien entendu qu'un navire qui ne prendra pas fond dans l'ancien Havre, ou dans le Carénage, ou qui, ayant débarqué des passagers ou marchandises sur un des quais ou chaussées du nouveau Havre, ne restera pas plus de deux heures le long desdits quais ou chaussées, ne sera sujet qu'aux mêmes droits qu'un navire qui déchargerait dans la Rade.

Tout navire qui déchargera des marchandises, ou débarquera des passagers dans cette île, ailleurs que dans la Rade ou dans le Havre de Saint Pierre-Port sera sujet au paiement

des mêmes Droits qu'un navire qui déchargerait dans le Havre. 1858.

ARTICLE 4.

Seront exemptés, comme par le passé, du paiement des Droits spécifiés aux deux articles précédents, les vaisseaux de Sa Majesté, et autres vaisseaux d'État, et les Yachts inscrits sur le rôle d'un *Yacht Club* reconnu, ainsi que les bateaux-pêcheurs, et les bateaux-à-huitres, n'ayant point d'autres marchandises à leur bord.

ARTICLE 5.

Tout navire qui restera dans le Carénage au-delà de dix jours ouvrables, paiera pour chaque jour ouvrable au-delà de ce terme, un quart de penni par tonneau.

ARTICLE 6.

Tout navire entrant dans le Bassin-à-Flot, paiera (en sus des droits du Havre qui pourront être exigibles suivant le cas) un droit d'un penni par tonneau par mois. Tout mois commencé devant compter pour un mois complet.

* SCHEDULE B.

ARTICLE 1.

Le quart des droits d'entrée sur les marchandises spécifiés dans l'article deuxième du Tarif de droits contenu dans la Cédule A, à l'exception des chevaux lesquels paieront 2s. 6d.

ARTICLE 2.

Un droit de tonnage sur la jauge légale Anglaise des Navires comme suit :

1.—Tout navire qui amarrera ou jettera l'ancre dans la rade, sans y charger ou décharger des mar-

* Le Tarif contenu dans la Cédule B ne viendra pas en force avant que la dette due pour les travaux des Havres soit liquidée. Voir le Dispositif du présent Ordre en Conseil à la page 298 et des Ordres en Conseil subséquents.

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chandises, et sans y embarquer ou débarquer des passagers, paiera un penni par tonneau.

2.—Tout navire qui chargera ou déchargera des marchandises dans la Rade, ou qui y embarquera ou débarquera des passagers, paiera deux pennis par tonneau.

3.—Bien entendu qu'un navire, touchant à Guernesey deux fois dans le cours d'un même voyage, qui déchargera en Rade, tant en allant qu'en revenant, et ce dans un intervalle qui n'excédera pas une semaine, ne paiera en revenant qu'un penni par tonneau.

4.—Tout navire qui entrera dans le Havre, sans y charger ou décharger des marchandises, et sans y embarquer ou débarquer des passagers, paiera deux pennis par tonneau.

Bien entendu qu'un navire, qui paiera les droits ci-après spécifiés, ne sera pas sujet aux droits portés aux articles précédents.

5.—Tout navire (à l'exception des bateaux-à-vapeur et des navires qui jaugent au-dessous de soixante tonneaux), qui entrera dans le Havre pour y charger ou décharger des marchandises, ou pour y embarquer ou débarquer des passagers, paiera six pennis par tonneau.

6.—Les navires qui jaugent au-dessous de soixante tonneaux, et les bateaux-à-vapeur, paieront quatre pennis par tonneau.

7.—Les navires de vingt tonneaux ou au-dessous, venant immédiatement de quelque partie du Bailliage, pourvu qu'ils n'apportent point de marchandises qui auraient été chargées ailleurs que dans le Bailliage, et qu'ils n'en chargent point pour être déchargées ailleurs que dans le Bailliage, ne paieront qu'un penni par tonneau.

Tout navire qui déchargera des marchandises ou débarquera des passagers dans cette île, ail-

leurs que dans la rade ou dans le Havre de Saint Pierre-Port, paiera les mêmes droits qu'un navire qui déchargerait dans le Havre. 1858.

(Enregistré sur les Records le 4 Octobre 1858).

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 2nd day of September 1858

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

WHEREAS there was this day read at the Board, a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 30th day of August last, in the words following, viz. :—

Expropriation
Forcée.

“YOUR MAJESTY, having been pleased by Your Order in Council of the 31st of July last, to refer unto this Committee the humble petition of the Bailiff of the Island of Guernsey, setting forth :—That, on the 27th day of June in the year 1848, Your Majesty was pleased by and with the advice of Your Privy Council, to approve and ratify a *Projet de Loi* intituled, “*Loi d'Expropriation Forcée*,” the object of which was, to provide the means of obtaining possession of property required for the military defence of the Island, or for purposes of public improvement :—That the period for which the Law was to be in force being limited to three years, Your Majesty was, on the 30th day of June in the year 1852, further pleased, on the petition of the States, to declare that the said Law should continue in force for the further term of five years, to reckon from the time when Your Majesty's Order in Council in that behalf should be registered by the Royal Court on the Records of the island :—That

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Your Majesty's said Order in Council was so registered on the 10th day of July in the said year 1852:— That the five years specified in Your Majesty's said Order in Council having expired, the Royal Court, on the 27th day of March in the year 1858, adopted a *Projet de Loi*, containing, with certain amendments, the provisions of the said "*Loi d'Expropriation Forcée*," in order that, if approved by the States, the same might be submitted to Your Majesty's consideration:—That the said *Projet de Loi*, as set forth in the Schedule hereunto annexed, intituled "*Loi qui autorise l'Expropriation Forcée pour cause d'Utilité Publique*," was, at an Assembly of the States, holden before the said petitioner on the 16th day of April in the said year 1858, approved by the said States, as a temporary measure, to be in force for ten years; and humbly praying that Your Majesty would be graciously pleased to sanction the said *Projet de Loi*, and to declare Your Royal will and pleasure, that the same might be in force within the Island of Guernsey for the space of ten years.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition and *Projet de Loi* into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same be in force within the Island of Guernsey for the space of ten years, from the date of Your Majesty's Order hereon.”

HER MAJESTY having taken the said report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall be in force within

the Island of Guernsey for the space of ten years,* to reckon from the date of this Her Majesty's Order in Council.

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And Her Majesty doth hereby further direct, that this Order and the said *Projet de Loi*, (copy whereof is hereunto annexed), be entered upon the Register of the said Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, in the said Island, and all other persons whom it may concern, are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

C. C. GREVILLE.

SCHEDULE to which reference is made in the foregoing order :—

**LOI QUI AUTORISE L'EXPROPRIATION FORCÉE
POUR CAUSE D'UTILITÉ PUBLIQUE.**

Article Préliminaire.

1.—Les articles qui suivent formeront la Loi sur l'Expropriation Forcée dans l'île de Guernesey, tant dans les cas où le Gouvernement de Sa Majesté aurait besoin d'occuper des propriétés particulières pour y faire des travaux pour la défense de l'île, que dans les cas où des terres, maisons, ou autres propriétés seraient requises pour d'autres causes d'Utilité Publique.

CHAPITRE I.

**De l'Expropriation pour Cause de la Défense Militaire
de l'île.**

2.—Lorsque le Gouvernement de Sa Majesté aura besoin d'une propriété particulière pour y faire des fortifications, ou autres travaux pour la défense militaire de l'île, les Officiers de la Reine feront servir sur le propriétaire une signification par écrit contenant la

* Cette Loi a été renouvelée (1) pour le terme de 3 ans par Ordre en Conseil du 15 Février 1869, enregistré le 27 Février 1869, (2) pour 10 ans par Ordre en Conseil du 19 Mars 1872, enregistré le 3 Avril 1872, et (3) pour 10 ans par Ordre en Conseil du 3 Mai 1882, enregistré le 20 Mai 1882.

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désignation de la propriété requise, et invitant le propriétaire à leur communiquer dans le délai de quinze jours, le prix qu'il en demande, calculé en quartiers de froment de rente payables en argent à raison de £14 trs. par quartier.

3.—A l'expiration du susdit délai de quinze jours, si le propriétaire a refusé ou négligé de communiquer par écrit aux Officiers de la Reine le prix qu'il demande pour la propriété, ou si le prix est jugé excessif par les Officiers de la Reine, ils pourront faire servir une signification par écrit au dit propriétaire, lui offrant tel prix qu'ils jugeront convenable, avec intimation que, s'il ne l'accepte point, et ne passe pas contrat dans le délai de quinze jours, ils procéderont à le faire exproprier dans les formes prescrites par la présente loi.

4.—A l'expiration du délai prescrit par l'article précédent, si les parties ne sont pas convenues sur le prix, les Officiers de la Reine pourront ajourner le propriétaire devant la Cour du Quartier à les voir obtenir un acte autorisant le Prévôt de la Reine à appeler des Experts pour évaluer la propriété ; lequel dit acte leur sera octroyé sur la présentation d'un certificat signé de M. le Lieutenant-Gouverneur ou du Commandant en Chef, constatant que la dite propriété est requise par le Gouvernement de Sa Majesté pour y faire des fortifications ou autres travaux pour la défense militaire de l'île.

5.—Après cet acte obtenu, les Officiers de la Reine le feront publier par deux Samedis consécutifs dans la *Gazette* autorisée pour les annonces judiciaires, et le feront afficher par deux Dimanches consécutifs dans le cadre de l'église de la paroisse où la propriété est située.

CHAPITRE II.

De l'Expropriation pour autres causes d'Utilité Publique.

6.—L'Expropriation pour des causes d'Utilité Publique autres que la défense militaire de l'île, peut être

demandée par le Gouvernement de Sa Majesté, par les États, ou par l'une des Paroisses de cette île.

7.—Les dispositions de ce chapitre sont applicables, tant aux cas où on aurait besoin du fonds même, qu'à ceux où un droit de passage ou autre servitude serait requis, soit pour l'élargissement ou la confection d'une route, soit pour tout autre objet d'utilité publique.

8.—La Partie Publique fera servir sur le Propriétaire une Signification par écrit, contenant la désignation de la propriété requise, et invitant le propriétaire à lui communiquer dans le délai de quinze jours, le prix qu'il en demande, calculé en quartiers de froment de rente payables en argent à raison de £14 tournois par quartier.

9.—Si le propriétaire ne donne pas de prix dans le délai fixé par l'article précédent, ou si le prix qu'il demande est jugé excessif par la Partie Publique, elle lui fera servir une signification par écrit, lui offrant tel prix qu'elle jugera convenable, avec intimation que s'il ne l'accepte point dans quinze jours, elle s'adressera à la Cour pour obtenir permission de l'exproprier de la dite propriété.

10.—Si le délai de quinze jours, prescrit par l'article 9, est expiré sans que les parties soient tombées d'accord, la Partie Publique ajournera le propriétaire à la voir présenter une requête à la Cour en Corps la suppliant d'autoriser l'expropriation demandée.

11.—La requête de la Partie Publique contiendra—

1° La désignation des lieux ;

2° La spécification des motifs d'utilité publique sur lesquels la demande est basée.

La requête, après qu'elle aura été communiquée à M. le Baillif, sera déposée au Greffe huit jours pour le moins avant d'être présentée à la Cour.

12.—La Cour ne procédera à faire droit sur la Requête qu'après que la Partie Publique aura insérée, par deux Samedis consécutifs dans la *Gazette* autorisée

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pour les annonces judiciaires, une publication notifiant le jour qu'elle se propose de la présenter à la Cour, avec intimation que la dite requête sera logée au Greffe pour les huit jours précédents.

13.—La Cour en corps, en faisant droit sur la requête, statuera sur la demande de la Partie Publique, après avoir entendu, tant le propriétaire et les tiers intéressés, s'ils se présentent, que les conclusions des Officiers de la Reine. La sentence de la Cour sera finale et il n'y en aura ni doléance ni appel.

14.—Si la Cour autorise l'expropriation demandée, il sera par le même acte ordonné que le Prévôt de la Reine appellera des experts pour procéder à l'évaluation de la propriété demandée.

CHAPITRE III.

De la Nomination des Experts.

15.—L'acte de la Cour autorisant une expertise sera livré au Prévôt de la Reine par la Partie Publique dans les trois jours de sa date.

16.—La Partie Publique ajournera le propriétaire, à comparaître devant la Cour du Quartier le second Samedi après la date du dit acte, pour faire choix d'experts pour évaluer la dite propriété.

17.—Lors de l'évocation de la cause, le Prévôt de la Reine présentera à la Cour une liste contenant les noms de quinze prud'hommes, dont pas plus de quatre ne seront pris d'une même paroisse de la campagne, et pas plus de trois d'un même canton de la ville, bien entendu que pendant les deux jours précédents, la Partie Publique et le propriétaire, en s'adressant au bureau du Prévôt de la Reine, pourront obtenir copie de la dite liste,

18.—Si le propriétaire comparait devant la Cour, le jour pour lequel il aura été ajourné par la Partie Publique, pour faire choix d'experts, il aura la faculté de retrancher quatre des noms contenus dans la liste des

prud'hommes, et la Partie Publique en retranchera trois, et cela alternativement, un nom à la fois, le propriétaire commençant ; et si le propriétaire ne comparait point, ou s'il ne retranche pas les dits quatre noms, les noms nécessaires pour retrancher le nombre de quatre seront tirés au sort par le Greffier de la Reine.

19.—Les huit prud'hommes dont les noms resteront, seront faits convenir devant la Cour par la Partie Publique, et dans la présence du propriétaire, s'il paraît, ou dans son absence, s'il a été dûment ajourné, leurs noms seront tous tirés au sort par le Greffier de la Reine, et les cinq dont les noms sortiront les premiers, s'ils ne sont exemptés de servir par la Cour pour raison valable, seront sermentés Experts par la Cour, et si l'un ou quelques-uns des dits cinq sont exemptés de servir, ils seront remplacés par les autres, dans l'ordre où leurs noms auront été tirés.

CHAPITRE IV.

De l'Expertise.

20.—La Partie Publique, en communiquant au Prévôt de la Reine l'acte portant le sermentement des experts, le requerra de fixer un jour et heure dans les quinze jours ensuivans pour procéder à l'évaluation de la propriété demandée, de quoi le dit Prévôt fera son rapport par écrit. On procédera à la dite évaluation d'après les règles ci-après énumérées.

21.—Le propriétaire sera ajourné à comparaître sur le lieu, à l'instance de la partie publique, au jour et à l'heure fixés par le Prévôt de la Reine, et les cinq experts le seront également. Et seront les ajours servis trois jours avant le dit jour.

22.—Dans le cas où il y aurait des tiers intéressés, à titre d'usufruitier ou de locataire, le propriétaire sera tenu de les appeler à l'expertise pour concourir, en ce

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qui les concerne, aux opérations y relatives, sinon il restera seul chargé envers eux des dommages et intérêts que ces derniers pourraient réclamer. Les indemnités des tiers intéressés ainsi appelés ou intervenants, seront réglées en la même forme que celles dues au propriétaire.

23.—Tout expert, dûment ajourné, sera tenu de comparaître au lieu, au jour et à l'heure indiqués dans l'ajour, et d'agir aux fins de la présente loi, s'il n'est absent de l'île, exoiné par maladie ou empêché par quelque autre cause légitime qui l'excuserait de paraître devant Justice; et, sur son défaut ou refus d'agir, il sera passible d'une amende de £14 tournois pour la première fois, et sur chaque défaut ou refus subséquent, il sera passible de tous les frais qui auront été occasionnés par son dit défaut ou refus.

24.—L'expertise se fera devant le Prévôt de la Reine, et en présence des parties, à moins que le propriétaire, ayant été dûment ajourné, ne se présente point; alors l'expertise aura lieu, nonobstant l'absence du propriétaire.

25.—Avant de procéder à l'expertise, il sera fait choix d'un des experts pour être chef.

Le choix se fera par les experts, si mieux n'aiment qu'il soit désigné par le sort.

26.—Les experts examineront la propriété à évaluer, et entendront les parties, afin de fixer la valeur de l'indemnité.

Toute question sera décidée au dire de la majorité absolue des experts, qui auront la faculté de délibérer en particulier.

27.—En faisant l'évaluation du fonds, les experts prendront en considération :—

Sa valeur intrinsèque ;

La dépréciation que pourra souffrir le restant de la propriété par le morcellement d'icelle.

L'indemnité due pour le fonds sera calculée en quartiers de froment de rente payables en argent à raison de £14 tournois par quartier.

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28.—Les experts détermineront aussi—si le cas le requiert—les dommages et intérêts qui pourront résulter de l'expropriation, soit au propriétaire, soit à des tiers intéressés.

Ces dommages et intérêts seront estimés en argent, ou en rentes payables en argent à raison de £14 tournois par quartier, suivant les circonstances; et le procès verbal de l'expertise spécifiera la nature des dommages, et la somme accordée dans chaque cas.

29.—Si par quelque cause l'expertise ne se termine pas le premier jour, le Prévôt de la Reine aura la faculté d'en remettre la continuation d'office, de jour en jour.

30.—Le chef des experts fera un procès verbal de l'expertise, dans lequel il spécifiera la décision sur chaque cas qui leur aura été soumis. Ce procès verbal sera signé par le dit chef et livré séance tenante au Prévôt de la Reine, qui en donnera lecture aux parties, et le transcrira dans son rapport, duquel il livrera copie, tant à la Partie Publique qu'au propriétaire.

31.—Si le prix auquel la propriété demandée est évaluée par les experts excède le prix que la Partie Publique avait offert au propriétaire, les frais de l'expertise seront à la charge de la Partie Publique, s'il ne l'excède pas les frais de l'expertise seront à la charge du propriétaire.

32.—Dans les cas où l'expropriation est demandée pour la défense de l'île, si les Officiers de la Reine donnent au Prévôt connaissance par écrit qu'ils acquiescent à l'évaluation des experts, il les mettra, vertu de son office, en possession de la propriété demandée, et ce nonobstant appel de la part du propriétaire ou d'un tiers intéressé; de tout quoi il fera son rapport.

CHAPITRE V.

Des Appels.

33.—La Partie Publique, le propriétaire et les tiers intéressés, chacun pour ce qui le regarde, pourront appeler de l'évaluation des experts devant la Cour Royale en vue de justice, en notifiant l'appel au Prévôt de la Reine dans les huit jours de la date du rapport, et la partie sera déserte de son appel si elle ne le poursuit dans quarante jours de la dite date.

34.—L'appel pourra être poursuivi en vacance comme en terme.

35.—Ceux qui ont agi comme experts ne seront pas admissibles comme témoins.

36.—Si l'évaluation des experts est maintenue, la partie appelante sera mise aux frais de l'appel ; si elle est réformée les frais seront à la discrétion de la Cour.

CHAPITRE VI.

Des suites de l'Expropriation.

37.—Le rapport du Prévôt de la Reine reconnu devant la Cour, ou, en cas d'appel, le jugement de la Cour, aura la force et l'effet d'un contrat juridique.

38.—Les rentes créées en vertu de la présente loi seront payables en argent à raison de £14 tournois par quartier, et seront imprescriptiblement rachetables sur le pied de £280 tournois par quartier.

39.—Tout et aussi longtemps que l'indemnité accordée aux fins de l'article 27 restera due en forme de rente, la Partie Publique ne pourra être inquiétée pour aucun droit, demande ou garantie quelconque sur le fonds, la dite rente étant déclarée par la présente loi tenir lieu et place du fonds même, et restant seule sujette à tout droit, demande ou garantie de la part de quelque personne et en quelque cas que ce soit.

40.—Si la Partie Publique, après avoir amorti la rente, est suivie comme affieffure dans une saisie et qu'elle se décide à ne pas se faire tenant, elle aura la

faculté au lieu de renoncer à sa prise, de faire bon la rente à celui qui se fera tenant de la saisie.

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41.—Si la Partie Publique, après avoir amorti la rente, est suivie pour un usufruit, douaire ou jouissance due sur le fonds, elle pourra satisfaire à la demande en s'obligeant envers la partie à lui faire pendant la durée du dit usufruit, douaire ou jouissance, un paiement annuel, qui en représenterait la valeur à l'époque de l'expropriation, laquelle valeur sera basée sur l'évaluation des experts ou le jugement de la Cour.

CHAPITRE VII.

Dispositions Générales.

42.—Les mots "*Partie Publique*," employés dans la présente loi, s'appliqueront tant au gouvernement de Sa Majesté qu'aux autres parties par lesquelles l'expropriation peut être demandée.

43.—Le mot "*Propriétaire*," employé dans cette présente loi, s'appliquera à plusieurs comme à un seul propriétaire;—au mari et à sa femme, lorsque la propriété appartiendra à une femme sous puissance de mari;—à toute personne ayant l'administration de telle propriété;—aux tuteurs de mineurs, curateurs de personnes interdites, administrateurs des biens et procureurs de personnes absentes du pays.

44.—Toute demande ou réclamation sur le gouvernement de Sa Majesté, dans les cas découlants de la présente loi, pourra être exercée au moyen de poursuites intentées contre les Officiers de la Reine,

45.—Aussi longtemps que la charge de Contrôle de la Reine n'est pas remplie, tous les pouvoirs donnés par la présente loi aux Officiers de la Reine seront exercés par le Procureur de la Reine.

46.—Tous ajours et significations envoyés en vertu de la présente loi seront servis par le ministère du Sergent de la Reine, qui sera tenu dans tous les cas d'en donner relation par écrit.

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47.—Les frais curiaux seront réglés d'après le Tarif annexé à la présente Loi.

48.—Seront les amendes mentionnées dans la présente loi applicables à Sa Majesté.

49.—Ne dérogera la présente loi aux dispositions de l'ordonnance des Chefs-Plaids d'après Noël tenus le 20 Janvier 1840, ayant rapport aux chemins publics.

TARIF DES FRAIS CURIAUX.

	Tournois.
	£ s. d.
Ecriture de signification et de relation, offrant prix au propriétaire	3 10 0
Acte de la Cour autorisant le Prévôt de la Reine à appeler des Experts.—Avocat, £3 10.—Cour, 14 sols,—Extrait d'Acte, 14 sols	4 18 0
Au Prévôt de la Reine pour la confection de la liste des Prud'hommes	10 10 0
Pour chaque copie	0 14 0
Ajour, relation et cause contre le propriétaire à faire choix d'Experts.—Avocat, £3 10.—Cour, 14 sols.—Extrait d'Acte, 14 sols	4 18 0
Ajour, relation et cause contre le propriétaire à voir sermenter cinq Experts.—Avocat, £3 10.—Cour, 14 sols.—Extrait d'Acte, 14 sols	4 18 0
Ecriture d'ajours aux Prud'hommes, pour chacun..	0 14 0
Au Greffier de la Reine, pour faire le tirage des noms	1 1 0
La journée de chacun des huit Prud'hommes appelés	2 2 0
Au Prévôt de la Reine, pour son rapport fixant le jour et heure de l'expertise	3 10 0
Ajour au propriétaire à comparaître à l'expertise.—Avocat, £2 2	2 2 0
Ajours aux cinq Experts, pour chacun.—Avocat, 14 sols	0 14 0
Aux Experts, de chacun, pour chaque jour de l'expertise	7 0 0
Au Prévôt de la Reine, pour vacation à l'expertise, y compris son rapport, et les copies qu'il est tenu de livrer, chaque jour	14 14 0
Au Sergent, pour chaque signification:	1 1 0
„ pour chaque ajour	0 14 0

	£	s.	d.	1858.
Réponse du défendeur à un acte contradictoire				
„ devant la Cour en Corps.....	7	7	0	
„ devant la Cour du Quartier	5	5	0	
Réponse du défendeur devant les Experts, par chaque jour.....	14	0	0	
Les frais en vue de Justice et dans les cas non énumérés dans le présent Tarif, tels q u'ils sont réglés par l'ordonnance des Chefs-Plaids d'après Pâques 1842.				

(Enregistré sur les Records le 23 Novembre 1858).

AT THE COURT AT WINDSOR

the 13th day of November 1858

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS PRINCE CONSORT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 30th day of October last, in the words following, viz. :—

Modification
à la Procédure
en Plaids
d'Héritage.

“YOUR MAJESTY having been pleased by Your Order in Council of the 31st of July last, to refer unto this Committee the humble petition of Peter Stafford Carey, Esquire, Bailiff of Guernsey, setting forth :— That with a view to improving the course of proceeding in the *Plaids d'Héritage*, the Royal Court of that Island, on the 27th day of March, 1858, adopted a *Projet de Loi*, intituled, “*Loi portant modification à la procédure en Plaids d'Héritage*,” in order that, if approved by the States, the same might be submitted to Your Majesty's Gracious consideration :—That the said project was approved by the States at an Assembly, holden before the said Petitioner, on the 16th day of April, 1858 :—That at the Chief Pleas after Easter in the said year 1858, the said Royal Court adopted certain additional Articles,

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in order that, if the same were approved by the said States, they might be incorporated with the said *Projet de Loi*:—That the said additional articles were on the 21st day of June last approved by the said States, at an assembly holden before the said Petitioner:—That the said *Projet de Loi*, with the additional articles incorporated therein, was set forth in the Schedule annexed to the said Petition; And humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi*, and to order that the same should be in force as a law within the Bailiwick of the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and *Projet de Loi* into consideration, and do agree humbly to report as their opinion to Her Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall be in force as a Law within the Bailiwick of the said Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said *Projet de Loi*, and to order that the same shall be in force as a Law within the Bailiwick of the Island of Guernsey. And Her Majesty is further pleased to order, that the said *Projet de Loi* (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor, or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty’s Officers in the said Island, for the time being, and all other persons whom it may

concern, are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

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W. M. L. BATHURST.

SCHEDULE to which reference is made in the foregoing Order:—

LOI PORTANT MODIFICATION À LA PROCÉDURE
EN PLAIDS D'HÉRITAGE.

1.—Les deuxième et troisième défauts en Plaids d'Héritage contre les Affieffeurs, Crédeurs, ou Engageurs d'une Saisie sont abolis. Bien entendu qu'il y aura un intervalle de 40 jours entre le premier défaut et la procédure subséquente.

2.—Après le premier défaut, l'ajour à la partie principale sera servi cinq jours avant celui auquel la cause doit passer. Pourvu toutesfois que le Sergent ne sera tenu de servir lesdits ajours à moins qu'ils n'aient été livrés à son bureau 24 heures auparavant.

3.—Dans une suite en Plaids d'Héritage contre les Affieffeurs, Crédeurs, ou Engageurs d'une Saisie, si un Affieffeur, dont le contrat d'Acquisition aura été enregistré au Greffe trois ans pour le moins avant la renonciation en Plaids d'Héritage, se décide à ne pas se faire tenant de la Saisie, il aura la faculté (au lieu de renoncer à son affieffement) de faire bon au tenant de la Saisie le prix porté dans ledit contrat.

4.—Lorsque le vendeur d'une rente est suivi comme garant à prendre une Saisie, ou à remplacer et faire bon telle rente, il aura la faculté (au lieu de prendre la Saisie ou de faire bon ladite rente), de rembourser la bourse-déliée portée dans le Contrat de Vente, avec les arrérages légaux.

5.—Lorsqu'un héritier est suivi comme garant dans une Saisie, en raison d'une Obligation créée par celui dont il a hérité, il aura la faculté, au lieu de s'immiscer dans la Saisie, d'abandonner, en faveur de celui qui se fera tenant de la saisie, les Immeubles qui lui

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sont échus de la succession du défunt, ou de lui faire bon la valeur qu'avaient lesdits Immeubles, lors de l'ouverture de ladite succession.

6.—Pareillement, lorsqu'un légataire d'immeubles est suivi en raison d'une obligation créée par le testateur, il aura la faculté d'abandonner son legs ou de faire bon la valeur qu'avait ledit legs lors de l'enregistrement du Testament.

7.—Dans l'Île de Guernesey les ajours en Plaids d'Héritage seront servis par le ministère du Sergent de la Reine, lequel recevra à l'avenir pour le port desdits ajours, comme suit, savoir :—

	Tournois.		
	£	s.	d.
Les ajours sans relation.....	0	17	6
Les ajours avec relation.....	1	1	0

Dans les comptes de frais curiaux, les sommes ci-dessus seront chargées pour paiements au Sergent, au lieu des frais actuels.

(Enregistré sur les Records le 15 Février 1859).

· AT THE COURT AT BUCKINGHAM PALACE
the 2nd day of February, 1859

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Rachat des
Petites Rentes

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th day of January last, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Order in Council of the 29th day of August, 1857, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That within Your Majesty's Island of Guernsey landed property is much encumbered with Rentes, charged upon the same in perpetuity :—

That many of the Rentes so charged are of very small amount, being payable, some in money, some in corn or other agricultural produce :—That these small Rentes are a burden upon the property far beyond their actual value :—That in order to remove the inconveniences that have been felt, the Royal Court, at the Chief Pleas after Christmas holden on the 17th day of January in the year 1857, adopted as a temporary measure a *Projet de Loi*, as set forth in the Schedule to the said Petition annexed, intituled “ *Loi qui autorise le rachat des Petites Rentes*,” in order that, if approved by the States, the same might be submitted to Your Majesty’s gracious consideration :—That the object of the said *Projet* is to enable the owners of land to clear off, at the rate therein specified, any such encumbrance as therein above described, where the same is below a certain amount, which may be described as being equivalent to about twenty shillings per annum :—That at an Assembly holden before the said Petitioner on the 10th day of July, in the said year 1857, the said *Projet* was approved by a vote of the States ; and humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi* intituled “ *Loi qui autorise le Rachat des Petites Rentes*,” and to declare and direct, that the same shall have the force of law within the Bailiwick of the Island of Guernsey. And Your Majesty having been pleased by your further Order in Council of the 27th day of August, 1857, also to refer unto this Committee a Petition of certain members and ex-members of the States of the said Island of Guernsey, setting forth :—That the Royal Court of the said Island adopted at the Chief Pleas after Christmas holden before the Bailiff on the 19th day of January, 1857, a *Projet de Loi*, intituled “ *Loi qui autorise le Rachat des Petites Rentes* ” as set forth in the Schedule to the said Petition annexed, in order

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that, if approved by the States of the said Island, the same might be submitted to Your Majesty's gracious consideration:—That the said *Projet de Loi* was approved by a deliberation of the said States passed at an Assembly holden before the Bailiff on the 10th day of July, 1857:—That the said *Projet de Loi*, which was unsuccessfully opposed before the Royal Court, would shortly be forwarded to Your Majesty for Your Majesty's Royal assent thereto:—That the said Petitioners wish to represent humbly to Your Majesty that this *Projet de Loi*, the object of which is to render redeemable all wheat rents, belonging to private individuals, under a quarter, or money rents below the value of a quarter, constitutes a direct violation of the rights of property, the said rents being perpetual charges covenanted for at different times by the vendors of the premises or lands which owe them, for themselves, their heirs and assigns for ever, and payable by the purchasers of the same their heirs and assigns for ever:—That this *Projet de Loi* moreover, if sanctioned by Your Majesty, would destroy the principle of non-retroactivity of laws, and would affect acquired rights legally secured by contract, at a period when no such law was in existence, or even in contemplation:—That the said *Projet de Loi*, moreover, is inexpedient, the existence of rents stimulating to industry the purchasers of land, and enabling, at the same time, the vendors to retain to themselves, their heirs and assigns, for ever, a permanent interest in the land disposed of by them, the results whereof are the widespread prosperity and harmony which subsist amongst all classes of Your Majesty's subjects in this island:—That the said *Projet de Loi*, if sanctioned by Your Majesty, would throw confusion and cause distress amongst the small rent holders in the said Island, the said rent holders having no opportunities of investing their money so profitably and so securely

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as they have hitherto been enabled to do, whilst the right of property in rents existing in the said island has been respected and upheld :—That, moreover, the said Petitioners have every reason to believe that the present *Projet de Loi* is but the first move towards rendering all rents, of whatever value, in the said island redeemable, and that the basis of further encroachments upon the rights of property will be the present *Projet de Loi*, if sanctioned by Your Majesty, but should nothing further be contemplated than the present *Projet*, the said Petitioners humbly represented that the said *Projet* would not affect equally all classes of Your Majesty's subjects in this island, the holders of small rents being liable to lose them, whereas larger rents would remain in the undisputed possession of the holders of the same :—That the said *Projet de Loi*, if sanctioned by Your Majesty, would forcibly convert a portion of the real property of the said Island into personalty, wherefrom not a few disadvantages and unwished for consequences on the part of many of the present holders of small rents would necessarily follow :—That the said *Projet de Loi*, unlike the law of "*Expropriation Forcée pour cause d'Utilité Publique*," would only serve to relieve the individual debtors of rents to the prejudice of the individual creditors, but the public in general, instead of being benefitted thereby, would experience all the effects which a social revolution never fails to produce, and which would be highly detrimental to the best interests of the said island. And humbly praying that Your Majesty may be graciously pleased to allow the said Petitioners to be heard before Your Majesty in Council, in opposition to and against the said *Projet de Loi*, intituled "*Loi qui autorise le Rachat des Petites Rentes*" receiving Your Royal Sanction.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Orders of

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Reference, have this day taken both the said petitions, together with the said *Projet de Loi*, into consideration, and having heard Counsel on behalf of the Opponents to the measure, and also on behalf of the States of Guernsey in support thereof, their Lordships do agree humbly to report to Your Majesty, that though some of the objections raised against the Law deserved and have received grave attention, yet bearing in mind that the measure is restricted in duration to five years, and having fully deliberated on all the circumstances, they are of opinion that no sufficient reason has been adduced for refusing Your Majesty's consent to the said *Projet de Loi*; and they therefore humbly advise that the same be approved and ratified by Your Majesty and directed to have the force of Law within the Bailiwick of the Island of Guernsey for the term of Five Years."

HER MAJESTY, having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said *Projet de Loi*, and to declare and direct that the same shall have the force of Law within the Bailiwick of the Island of Guernsey for the term of Five Years. And Her Majesty is further pleased to order that the said *Projet de Loi* (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's officers for the time being in the said Island, and all other persons whom it may concern,

are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

WM. L. BATHURST.

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SCHEDULE to which reference is made in the foregoing Order:—

LOI QUI AUTORISE LE RACHAT DES PETITES RENTES.

1.—Les rentes payables en froment au-dessous d'un Quartier, ainsi que les rentes payables en argent ou autre forme de redevance, dont le revenu annuel est au-dessous de quatorze Livres Tournois, seront désormais rachetables sur le pied de Trois cent trente six Livres Tournois par quartier de froment ou par quatorze Livres Tournois, avec la partie de l'année échue lors de l'acquêt.

2.—Le couple de Chapons est estimé à un boisseau de froment.

Le couple de Poules est estimé à quatre deners.

Un Canard est estimé à deux deners.

Une Anguille est estimée à un quint.

Un Pain est estimé à un quint.

3.—La présente Loi ne s'applique pas aux Rentes et redevances Seigneuriales, ni à celles qui appartiennent à des femmes couvertes de maris ou à des mineurs.

4.—Les Rachats faits en vertu de la présente Loi seront sans préjudice des droits des Usufruitiers s'il y en a.

5.—Cette Loi sera en force pour cinq ans.*

(Enregistré sur les Records le 12 Mars 1859).

AT THE COURT AT BUCKINGHAM PALACE

the 3rd day of March 1859.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

WHEREAS there was this day read at the Board a report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and

Impôt et
Equivalent,
Auregny

* Cette Loi ayant expiré le 14 Février 1864, fut remplacée par la "Loi qui déclare rachetables les Rentes au-dessous de Deux Quartiers," approuvée par un Ordre en Conseil du 1er Novembre 1864, enregistré le 19 Novembre 1864.

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Jersey, dated the 28th day of February last, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 2nd instant to refer unto this Committee the Humble Petition of Thomas Clucas, Judge and President of the States of Your Majesty’s Island of Alderney, setting forth :—That on the 25th day of November 1853, Your Majesty was graciously pleased, by and with the advice of Your Most Honourable Privy Council, to renew the grant of levying one shilling per gallon upon all Spirituous Liquors retailed and consumed in Your Majesty’s Island of Alderney, for a term of ten years, and to authorize the further levying of a duty of sixpence per Gallon on all wines so retailed and consumed for the like term, and to direct that the produce of the same be applied, in the first instance in paying annually Three hundred and fifty pounds towards the liquidation of the debt already incurred, and that the surplus be applied as is directed in Your Majesty’s former Order of the 31st day of January 1844, but particularly in making suitable roads in connexion with the defence of the Island :—That certain Military Roads have already been made and that other Roads are on the point of being made :—That by the present law and custom of the Island, the proprietors of lands are bound to maintain and to keep in repair the roads bordering on their said lands :—That this Obligation had its origin in reference to the old and narrow roads :—That the cost of maintaining the Military Roads will fall so much more heavily on the aforesaid proprietors than was contemplated by the ancient law, that they will require considerable assistance from the States :—That the actual revenue of the States will be insufficient to meet this increased demand :—That in the event of the States being enabled to make a grant towards the maintenance of the said Roads, it may be

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advisable that the direction of the repairs should be under the management of the States, but that the proprietors of lands bordering on the said Roads should continue to bear about the same burthen as was entailed upon them for the repair and maintenance of the ancient Roads:—That in Your Majesty's Island of Guernsey, which forms part of the Bailiwick, an annual Tax styled, "*Equivalent pour le maintien des Grandes Routes,*" is levied on the proprietors of lands bordering on the High Roads the said proprietors being thereby exempted from any further charge for the maintenance or repair of the said Roads:—That at a meeting of the States holden before the said Petitioner on the 30th day of December ultimo, the following propositions were adopted, subject to Your Majesty's Royal Sanction thereto being obtained:—

1° That three pence additional per gallon be levied on all spirituous liquors retailed and consumed in Your Majesty's Island of Alderney, during the term of the grant of the present "*Impôt.*"*

2° That the proprietors of all lands on either side bordering on Roads, which have been constructed, or which may hereafter be constructed by the States, shall pay to the said States an annual Tax or "*Equivalent,*" of Two pence per perch in length each, for his half of the Road, on payment of which such proprietor shall be discharged from all further maintenance or repair of the said road. And humbly praying that Your Majesty would be graciously pleased to sanction the above recited propositions adopted by the said States, and to declare Your Royal Will and Pleasure that the same shall have full force of Law in Your Majesty's said Island of Alderney. And that Your Majesty

* Un Ordre en Conseil du 30 Juillet 1891, enregistré sur les Records de l'île de Guernesey le 8 Août 1891, autorisc la levée pour le terme de cinq ans, d'un Impôt de deux chelins six pennis par gallon sur les liqueurs spiritueuses et d'un chelin sur les vins consommés dans l'île d'Auregnay, et un Impôt de deux pennis par gallon sur la bière importée et consommée en ladite île.

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would be further pleased to authorize the said States to make, from time to time, such regulations for raising and collecting the said duty and tax, as may be found meet and proper ;

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and sanction the propositions therein contained, and to authorize the States of the Island of Alderney to make such Regulations for raising and collecting the duty and tax proposed, as may be found meet and proper.”

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve and sanction the therein recited propositions, adopted by the States of Her Majesty’s Island of Alderney on the 30th day of December, 1858, and to order, and it is hereby ordered, that the said propositions shall have full force of Law in the said Island of Alderney. And Her Majesty, by and with the like advice, is hereby pleased to authorize the said States to make, from time to time, such regulations for raising and collecting the duty and Tax hereby sanctioned and approved, as may be found meet and proper. And it is further directed that this Order be entered upon the Register of the Island of Guernsey. And the Lieutenant-Governor of the Island of Guernsey, the Bailiff and Jurats of the Royal Court of the said Island, and also the Judge and Jurats of the Island of Alderney are to take notice hereof and govern themselves accordingly.

WM. L. BATHURST.

(Enregistré sur les Records le 23 Avril 1859).

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AT THE COURT AT BUCKINGHAM PALACE
the 18th day of April, 1859

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th of this instant, April, in the words following, viz. :—

Bénéfices des
Paroisses de
St. Sampson et
du Vale.

“YOUR MAJESTY having been pleased by Your Order in Council of the Twelfth Instant, to refer unto this Committee a Letter to the Lord President of the Council, from the Right Honourable Thomas Sotheron Estcourt, one of Your Majesty's Principal Secretaries of State, enclosing a Letter from the Lieutenant-Governor of Guernsey, dated the 28th of March, 1859, reporting the death of the Rev. William John Chepmell, Incumbent of the United Parishes of “St. Sampson's” and “Vale,” in the said Island, in order that notice thereof should be given to the Council Board, in obedience to his late Majesty's Order in Council of the 19th of August, 1836, and it appearing by the said Order, that the Lords of Committee of Council then reported as their opinion to His late Majesty, that it might be advisable that the united parishes of Torteval and the Forest, and of St. Sampson and the Vale, should be separated at their next avoidance respectively.

“THEIR LORDSHIPS having taken the said matter into consideration, do humbly report to Your Majesty that it may be advisable for Your Majesty to declare Your Royal Will and Pleasure, that the Benefices of the said parishes of Saint Sampson and the Vale, in the said Island of Guernsey, be separated, and that a

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separate Clerk be appointed to each of the said parishes."

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and Her Majesty doth hereby declare Her Royal Will and Pleasure, that the Benefices of the said parishes of Saint Sampson and the Vale, in the said Island of Guernsey, be separated, and that a separate Clerk be appointed to each of the said parishes. Whereof the Lieutenant-Governor of the said Island of Guernsey for the time being, the States of the said Island, and all others whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

(Enregistré sur les Records le 15 Juillet 1859).

AT THE COURT AT BUCKINGHAM PALACE
the 6th day of July 1859.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

La Charge de
Contrôle.
Requête des
États rejetée.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 30th of June last, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 6th day of this instant, June, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :— That from a very remote period there have been in Your Majesty's said Island of Guernsey two Law Officers of the Crown, under the denomination respectively of *Procureur de la Reine* and *Contrôle de la Reine* :—That in the year 1851, the office of *Contrôle* became vacant, and has not since been filled up :—

That on the 19th day of February in the present year, 1859, a Requisition, in the form set forth in a Schedule annexed to the said Petition, was presented to the Lieutenant-Bailiff, Mr. Carré, at that time acting, in the Bailiff's absence, as President of the States, together with a document thereto annexed in the form set forth in a Schedule also annexed to the said Petition, intituled "*Délibérations et Réquisitions des Douzaines des différentes Paroisses de cette Ile,*" by which said Requisition, the President of the States was requested to convene an Assembly of the States, for the purpose of taking the necessary measures to obtain, from the proper authority in that behalf, the appointment of a Second Law Officer of the Crown:— That at an Assembly, duly convened for the purpose, (among other things), of deliberating on the subject matter of the said Requisition, and holden before the Bailiff the 6th day of May, 1859, a Resolution was passed, in the form set forth in a Schedule also annexed to the said Petition, whereby in accordance with the terms of the said Requisition, it was resolved, that it would be proper to take such measures as might be requisite, with a view to obtain the nomination of a *Contrôle de la Reine*, and humbly praying that Your Majesty may be graciously pleased to fill up the office now vacant of *Contrôle de la Reine*.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and agree humbly to report as their opinion to Your Majesty, that no sufficient reason is shewn for reversing the arrangement made in the year 1851, under which Your Majesty's Procureur in the Island of Guernsey was to perform the whole of the duties incumbent upon that Officer, and upon Your Majesty's Comptroller, receiving in con-

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sideration of the additional duties thrown upon him, an addition of Fifty Pounds to the Procureur's salary of two hundred pounds, to enable him to provide for extra Clerks and office expenses."

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said Petition of the States of the Island of Guernsey be and the same is hereby dismissed this Board.

WM. L. BATHURST.

(Enregistré sur les Records le 16 Juin 1860).

AT THE COURT AT BUCKINGHAM PALACE
the 10th day of May 1860

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Administra-
tion des
Pauvres, St.
Pierre-Port.

Modification à
la Loi de 1852.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated 30th day of April, 1860, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 26th day of March last, to refer unto this Committee the humble Petition of Peter Stafford Carey, Esq., Bailiff of the Island of Guernsey, setting forth :—That on the 28th day of December, in the year 1852, Your Majesty was pleased, by and with the advice of Your Majesty's Most Honourable Privy Council, to approve an Ordinance of the Royal Court of Your Majesty's Island of Guernsey, passed at the Chief Pleas after Easter in the said Year 1852, intituled “*Ordonnance relative à l'Administration des Pauvres dans la ville et paroisse de St. Pierre-Port* :—That at the

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Chief Pleas after Michaelmas, in the year 1859, the Royal Court, on a petition presented on behalf of the *Chefs de Famille* of the said Parish of St. Peter-Port, passed, subject to the approval of the States, and the sanction of Your Majesty in Council, an Ordinance to modify and amend the said first mentioned Ordinance:—That at an Assembly of the States of the said island, holden before the said Petitioner on the 30th day of December, in the said year 1859, the said Ordinance, so passed as aforesaid at the Chief Pleas after Michaelmas, then last past, in the form set forth in the Schedule annexed to the said Petition, was by the said States approved, with a view to the same being submitted to Your Majesty's consideration. And humbly praying that Your Majesty may be graciously pleased to ratify and confirm the said Ordinance of the Chief Pleas after Michaelmas in the year 1859, intituled, "*Ordonnance portant modification à l'Ordonnance relative à l'Administration des Pauvres dans la Ville et Paroisse de St. Pierre-Port,*" and to declare Your Royal Will and Pleasure that the same shall have the force of law within the said Island of Guernsey.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition, together with the said Ordinance, into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the same and to direct that the said Ordinance shall have the force of Law within the said Island of Guernsey."

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve and ratify the said Ordinance, and to declare

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that the same shall have the force of Law within the Island of Guernsey. And Her Majesty is further pleased to order that the said Ordinance (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats of the Royal Court, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern are to take notice of Her Majesty's pleasure hereby signified and govern themselves accordingly.

WM. L. BATHURST.

SCHEDULE to which reference is made in the foregoing Order:—

ORDONNANCE PORTANT MODIFICATION À
L'ORDONNANCE RELATIVE À L'ADMINISTRATION
DES PAUVRES DANS LA VILLE ET PAROISSE DE
ST. PIERRE-PORT.

AUX CHEFS PLAIDS d'après la Saint Michel tenus le 3 Octobre 1859, devant Pierre Stafford Carey, Écuyer, Baillif, présents, Hilary Ollivier Carré, Thomas Le Retilley, William-Pierre Métivier, Jean-Thomas De Sausmarez, Sausmarez Carey, Jean Le Mottée, Alfred-Smith Collings, Henry Tupper, Jean-Lukis Mansell, Jean De Garis, et Jean Moullin, Écuyers, Jurés:—

Vu la Requête présentée ce jour à la Cour de la part des Chefs de Famille de la Paroisse de St. Pierre-Port, La Cour, ouïes les conclusions du Procureur de la Reine, moyennant l'approbation des États et la sanction de Sa Très Excellente Majesté en Conseil, a rappelé l'Article VIII. de l'Ordonnance intitulée, "Ordonnance relative à l'Administration des Pauvres dans la Ville et Paroisse de Saint Pierre-Port," passée aux Chefs Plaids d'après Pâques, tenus le 19 Avril

1852, laquelle Ordonnance, après avoir été approuvée par les États de cette île, par leur Délibération en date du 22 Octobre 1852, fut sanctionnée par Ordre de Sa Majesté en Son Conseil en date du 28 Décembre 1852, lequel Ordre est enregistré sur les Records de cette île, aux fins d'Acte de la Cour Royale en date du 11 Janvier 1853, et y a substitué l'article suivant lequel sera censé former partie de ladite Ordonnance :—

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8. Le Conseil d'Administration pour les Pauvres de la Ville et Paroisse de Saint Pierre-Port, sera composé des fonctionnaires suivants :—

Le Président dudit Conseil	1
Le Vice-Président dudit Conseil.....	1
Le Recteur de la Paroisse	1
*Trois Chefs de Famille qui auront géré la charge de Président ou de Vice-Président dudit Conseil, ou de Trésorier de l'Hôpital, ou de Procureur des Pauvres de ladite Paroisse, lesquels seront élus par lesdits Chefs de Famille pour le terme de deux ans	3
Les deux Connétables de la Paroisse	2
Un des Curateurs du Trésor de l'Église Paroissiale (celui qui aura été élu par les Chefs de Famille)	1
Le Procureur des Pauvres de ladite Paroisse	1
Les dix Surveillants des Pauvres de ladite Paroisse	10
Total.....	<u>20</u>

Dans les Assemblées dudit Conseil sept membres formeront un quorum, et lesdites Assemblées seront présidées par le Président ou le Vice-Président dudit Conseil, ou dans l'absence de l'un et de l'autre, par un

* Cet article fut modifié par un Ordre en Conseil du 16 Mai 1878. enregistré le 8 Juin 1878.

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desdits trois Chefs de Famille qui auront géré la charge de Président ou de Vice-Président dudit Conseil, ou de Trésorier de l'Hôpital, ou de Procureur des Pauvres de ladite Paroisse.

(Enregistré sur les Records le 30 Novembre 1860).

AT THE COURT AT WINDSOR

the 23rd day of November 1860

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Exigibilité des
Intérêts et
Arrérages de
Rentes dans les
Saisies.

WHEREAS there was this day read at the Board, a Report from the Right Honourable the Lords of the Committee of Council, for the Affairs of Guernsey and Jersey, dated the 20th day of November, 1860, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 26th of October, 1860, to refer unto this Committee the humble petition of the Bailiff of the Island of Guernsey, setting forth :—That at the Chief Pleas after Easter, holden on the 16th day of April, in the year 1860, the Royal Court, with the view of diminishing the inconveniences resulting from the present state of the Law of Guarantee, adopted a *Projet de Loi* intituled, “*Loi qui limite dans les Saisies l'Exigibilité des Intérêts et des Arrérages de Rentes,*” in order that, if approved by the States, the same might be submitted to Your Majesty's most gracious consideration :—That at an Assembly holden before the said Petitioner on the thirtieth day of June, in the said year 1860, the said *Projet de Loi* was approved by the States, in the form set forth in the Schedule hereunto annexed ; And humbly praying that Your Majesty may be graciously pleased to grant Your Royal Sanction to the said *Projet*, and to order and direct that the same shall have the force of Law within the Bailiwick of the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and *Projet de Loi* into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall have the force of Law within the Bailiwick of the Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said *Projet de Loi*, and to order as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of the Island of Guernsey. And Her Majesty doth hereby further direct that this Order and the said *Projet de Loi* (copy whereof is hereunto annexed) be entered upon the Register of the said Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern are to take notice of Her Majesty’s pleasure hereby signified, and govern themselves accordingly.

ARTHUR HELPS.

PROJET DE LOI referred to in the foregoing Order:—
LOI QUI LIMITE DANS LES SAISIES L’EXIGIBILITÉ
DES INTÉRÊTS ET DES ARRÉRAGES DE RENTES.

1. Après un Acte en Plaids d’Héritage permettant une Saisie héréditaire, les rentes et cheffrentes dues sur la saisie, ne seront exigibles que pour les arrérages des deux années antérieures audit Acte.

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2. Dans le cas où l'héritier sous bénéfice d'inventaire, après le Registre clos, abandonne la succession du défunt, les rentes et cheffrentes dues sur la Saisie, ne seront exigibles que pour les arrérages des deux années antérieures à l'octroi du bénéfice d'inventaire.

3. Dans le cas où l'abiennneur de l'état du bien d'un débiteur renonce à l'héritage, les rentes et cheffrentes dues sur la Saisie, ne seront exigibles que pour les arrérages des deux années antérieures au sermentement de l'abiennneur.

4. Dans les cas sus-dits les intérêts d'argent ne seront pas exigibles pour au-delà de Sept Cent Trente jours.

5. Cette Loi ne sera en force qu'à compter du 1er Janvier 1861.

(Enregistré sur les Records le 22 Décembre 1860).

AT THE COURT AT WINDSOR
the 17th day of December 1860

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Droits des
Havres.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the fifth day of December instant, in the words following, viz. :—

“ YOUR MAJESTY having been pleased by Your Order in Council of the 26th of October last, to refer unto this Committee the humble petition of the States of the Island of Guernsey, setting forth :—That on the 12th day of February, 1858, the States of Your Majesty's said Island of Guernsey, by resolutions passed at an Assembly then holden, adopted certain modifications to be made in the works previously voted, and sanctioned, by different Orders of Your Majesty in Council, for the improvement of the Harbour of Saint

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Peter-Port, and likewise voted certain additional works for the improvement of the said Harbour :—That at the said Assembly the States also approved a New “*Tarif*” of Dues, to be substituted for the one which had before that time been sanctioned and authorized by Your Majesty’s Order in Council of 14th November, 1851 :—That upon the petition of the said States, Your Majesty, by and with the advice of Your Privy Council, was pleased, by an Order bearing date the 2nd day of September, 1858, to sanction the said new “*Tarif*,” and to authorize the levying of the Dues therein contained, for the purposes specified in the said Order :—That at an Assembly holden on the 1st day of June, 1860, the States passed several resolutions whereby, subject to Your Majesty’s authority in that behalf, they voted the execution of certain additional works for the further improvement of the Harbour :—That the said additional works may be described as follows :—

The completion of the reconstruction of the old South Pier, estimated at.....	£2,800
The construction of a breakwater to the North-East of Castle Cornet, estimated at.....	11,400
The enclosure of a Solid Block on the St. Julien Rock, estimated at	5,000
The formation of a Public Walk on the ground excavated for Filling at the Terres under Fort George, estimated at	700
The prolongation of the inner wall on the North-Eastern portion of the enclosed space of ground adjoining the Castle Pier, and the preparation of Artificial Blocks and other materials for the low water landing place. Provided always that the expenditure for the two latter objects should not exceed the sum of..	8,000

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That at the said Assembly of the 1st June, 1860, the States also adopted certain modifications to be made in the "*Tarif*" of Dues sanctioned by Your Majesty's aforesaid Order in Council of 2nd September, 1858 :—That the "*Tarif*" of Dues so modified is set out in the Schedule hereunto annexed. And humbly praying that Your Majesty would be graciously pleased to sanction the said "*Tarif*" so set forth as aforesaid, and to authorize the levying of the several dues therein specified, the nett produce of the same to be applied, as well to the payment of the additional works voted at the Assembly of the States, holden on the 1st June, 1860, as to the other purposes to which the Dues at present levied are applicable, under the authority of the several Orders of Your Majesty in Council issued in that behalf.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition of the States of the Island of Guernsey into consideration, and Their Lordships do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of what is therein proposed, and to sanction the modifications of the "*Tarif*" of dues as set out in the Schedule attached to the said Memorial and hereunto annexed, and to authorize the application of the revenue of the Harbour to the execution of certain works voted at an Assembly of the States on the 1st June, 1860."

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to sanction the "*Tarif*" of Dues as set forth in the Schedule hereunto annexed, and to authorize the levying of the several dues

thereon specified, the nett produce of the same to be applied, as well to the payment of the additional works voted at the Assembly of the States holden on the 1st June, 1860, as to the other purposes to which the Dues at present levied are applicable, under the authority of the several Orders in Council issued in that behalf.

Whereof the Lieutenant-Governor or Commander-in-Chief of Her Majesty's Island of Guernsey, the States of the said Island, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

SCHEDULE to which reference is made in the foregoing Order:—

TARIF DE DROITS.

ARTICLE 1.

* Un Impôt de neuf pennis par gallon sur tous les vins consommés dans cette île.

ARTICLE 2.

† Un droit de *deux chelins* par tonneau de deux mille livres brut sur toutes marchandises importées en cette île, à l'exception de la pierre à chaux et de la pierre à ciment qui ne payeront rien et des objets ci-dessous énumérés qui payeront comme suit:—

	<i>s.</i>	<i>d.</i>
1° Les Chevaux	3	6
2° Les Taureaux, Bœufs Vaches, Génisses...	2	0
3° Les Veaux au-dessous de trois mois et autres bestiaux de toute espèce.....	0	4
4° Les Blés, Pois et Graine de toute espèce par le quartier Impérial	0	6

* Par un Ordre en Conseil du 21 Février 1872, enregistré le 9 Mars 1872, le produit de l'Impôt sur les Vins a été rendu applicable aux besoins généraux de l'île.

† Le susdit Ordre en Conseil du 21 Février 1872, autorise un droit additionnel de six pennis par tonneau sur les marchandises importées dans cette île payant droit par le tonneau, avec une augmentation de 25% sur les droits spécifiquement énumérés dans le présent Article. Voir aussi la note au bas de la page 299.

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5° Les Bois de Sapin par Anglicé *Petersburgh*
Standard, estimé comme suit :

Pour le Bois en planches, 165 pieds cubes	} 6 0
„ en poutre, 150 „	
„ non écariné, 120 „	

6° Le Chêne et les bois de Menuiserie, par
charge de 40 pieds 2 0

Et sera dans tous les cas le contenu en pieds cubes
de bois non équarré calculé suivant l'usage du com-
merce :—

Les Liquides par le tonneau de 210 gallons
mesure du pays..... 2 0

Tonneau en
Bouteilles.

N.B.—Pour les Liquides en bouteilles le tonneau
sera compté sur le pied de 36 douzaines de bouteilles
à vin de grandeur ordinaire.

Droits par
Mesure.

Toutes autres marchandises qui paient le fret, non
au poids mais à la mesure, ou par le nombre d'articles
au tonneau, suivant l'usage du commerce, paieront
aussi le droit de la même manière.

Cargaison
appartenant à
individus non
associés.

Lorsqu'une cargaison contiendra des marchandises
appartenant à différents individus non associés, le
droit sera calculé séparément sur l'entier de la mar-
chandise appartenant à chaque individu.

Fraction d'un
penny.

Toutes les fois que dans le montant calculé du droit
payable par un individu pour sa marchandise il se
trouvera la fraction d'un penny, cette fraction sera
comptée pour un penny entier.

Cas où maître
de navire tenu
de payer Droit.

Dans tous les cas où le montant du droit pay-
able par un individu pour sa marchandise ne s'élèvera
pas à *deux chelins*,* le maître du navire sera tenu
du paiement dudit droit ; sauf à lui de se faire
rembourser par le consignataire de la marchandise.

Rembourse-
ments de
Droits.

N.B.—Sera l'entier dudit droit remboursé à l'im-
porteur en cas de ré-exportation de la marchandise
(excepté dans le cas des bestiaux) pourvu :—

* Deux chelins six pennis. Voir le susdit Ordre en Conseil du 21 Février
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1° Que la ré-exportation se fasse dans l'an et jour de l'importation.*

2° Que la marchandise soit exportée dans le même état et dans les mêmes emballages qu'elle fut importée.

3° Que ce soit en quantités d'un tonneau pour le moins d'une même marchandise.

Lorsque l'importeur, en ré-exportant sa marchandise, veut réclamer le remboursement des droits, il doit au préalable en donner connaissance au Bureau des États.

Il est de plus tenu de faire, dans la première semaine du mois en suivant, une déclaration devant Justice, constatant les marchandises exportées par lui dans le courant du mois précédent. A défaut à l'exporteur de remplir les formalités ci-dessus prescrites, le remboursement ne pourra pas lui être accordé.

En remplissant les formalités ci-dessus, le remboursement desdits droits sera pareillement accordé sur le Charbon de terre pris à bord d'un vapeur pour y être brûlé, ainsi que sur les bestiaux expédiés à l'île d'Auregny.

N.B.—Les marchandises du cru de l'île de Serk Marchandises
de Serk. apportées à Guernesey ne sont point passibles des droits d'entrées.

†ARTICLE 3.

Un droit de tonnage sur la jauge légale Anglaise des navires comme suit :—

1° Tout navire qui amarrera ou jettera l'ancre dans la Rade sans y charger ou décharger des marchandises, et sans y embarquer ou débarquer des passagers paiera un penni par tonneau.

* “Les États ont été d'avis qu'il serait à-propos qu'à l'égard de tout importeur qui livrera au Bureau des États durant les derniers quinze jours du mois de Décembre de chaque année une déclaration, prise devant Justice, désignant la nature et la quantité des marchandises en sa possession, ainsi que le lieu où elles sont déposées, le Supérieur de la Chaussée soit autorisée à prolonger le terme de la ré-exportation desdites marchandises pour an et jour, à compter de la dernière déclaration ainsi faite.”—Délibération des États du 13 Mai 1862.

† L'Article 3 a été rappelé et la Cédule A. y est substituée par l'Ordre en Conseil du 5 Juillet 1865, lequel est enregistré le 15 Juillet 1865.

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2° Tout navire qui chargera ou déchargera des marchandises dans la Rade, ou qui y embarquera ou débarquera des passagers, paiera trois pennis par tonneau.

3° Bien entendu qu'un navire touchant à Guernesey deux fois dans le cours d'un même voyage, qui déchargera en Rade, tant en allant qu'en revenant, et ce dans une intervalle qui n'excédera pas une semaine, ne paiera en revenant qu'un penni et demi par tonneau.

4° Tout navire qui entrera dans le Havre sans y charger ou décharger de marchandises et, sans y embarquer ou débarquer des passagers, paiera trois pennis par tonneau.

Bien entendu toutefois qu'un navire qui paiera les droits ci-après spécifiés, ne sera pas sujet aux droits portés aux Articles précédents.

5° Tout navire (à l'exception des bateaux-à-vapeur et des navires qui jaugent au-dessous de soixante tonneaux), qui entrera dans le Havre pour y charger ou décharger des marchandises, ou pour y embarquer ou débarquer des passagers, paiera huit pennis par tonneau.

6° Les navires qui jaugent au-dessous de soixante tonneaux, et les bateaux-à-vapeur, paieront cinq pennis par tonneau.

7° Les navires de vingt tonneaux ou au-dessous, venant immédiatement de quelque partie du Bailliage, pourvu qu'ils n'apportent point de marchandises qui auraient été chargées ailleurs que dans le Bailliage, et qu'ils n'en chargent point pour être déchargées ailleurs que dans le Bailliage, ne paieront que deux pennis par tonneau. Sera censé la Rade (comme par le passé) l'espace compris dans les limites suivantes, savoir :—

Au Sud d'une ligne tirée de la pointe du Nord de la Salerie jusqu'au Rocher de Crévichon.

Au Nord d'une ligne tirée de la point du Fort dit "*Clarence Battery*," au Rocher dit "*La Grande Fauconnaire*."

Sera censé être entré dans le Havre :—

1° Tout navire qui entrera dans l'ancien Havre ou dans le Carénage.

2° Tout navire qui débarquera des passagers ou marchandises sur un des Quais ou Chaussées du nouveau Havre, et

qui restera au-delà de deux heures le long desdits Quais ou Chaussées. 1860.

3° Tout navire qui prendra fond dans quelque partie de l'espace compris dans l'enceinte du nouveau Havre, et y restera au-delà d'une marée.

Bien entendu qu'un navire qui ne prendra pas fond dans l'ancien Havre, ou dans le Carénage, ou qui, ayant débarqué des passagers ou marchandises sur un des Quais ou Chaussées du nouveau Havre, ne restera pas plus de deux heures le long desdits Quais ou Chaussées, ne sera sujet qu'aux mêmes droits qu'un navire qui déchargerait dans la Rade.

Tout navire qui déchargera des marchandises ou débarquera des passagers dans cette île, ailleurs que dans la Rade ou dans le Havre de Saint Pierre-Port, sera sujet au paiement des mêmes droits qu'un navire qui déchargerait dans le Havre.

Sont exemptés du paiement du droit de tonnage :—

Les Vaisseaux de Sa Majesté et autres vaisseaux d'État.

Les Yachts inscrits sur le rôle d'un *Yacht Club* reconnu.

Les Bateaux Pêcheurs et les Bateaux-à-huîtres, n'ayant point d'autres marchandises à leur bord.

ARTICLE 4.

* Tout navire qui restera dans le Carénage au-delà ^{Carénage.} de dix jours ouvrables, paiera pour chaque jour ouvrable, au-delà de ce terme, un quart de penni par tonneau.

ARTICLE 5.

Tout navire entrant dans le Bassin-à-Flot, paiera ^{Bassin-à-Flot.} (en sus des droits du Havre qui pourront être exigibles suivant le cas), un droit d'un penni par tonneau par mois.

Tout mois commencé devant compter pour un mois complet.

ARTICLE 6.

Tout navire autre que les Vaisseaux de Sa Majesté, ^{Réservoir d'Eau.} auquel il sera fourni de l'eau provenant du Réservoir

* Les droits contenus dans cet Article ne seront point levés à moins qu'il ne soit autrement ordonné par les Etats.—Voir le susdit Ordre en Conseil du 5 Juillet 1865.

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des États, paiera un chelin par tonneau pour l'eau fournie ; partie d'un tonneau comptant pour un tonneau entier.

(Enregistré sur les Records le 13 Juillet 1861.)

AT THE COURT AT BUCKINGHAM PALACE

the 26th day of June 1861

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Ustensiles de
Navires.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 24th of June, 1861, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 30th of April, 1861, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That at the Chief Pleas after Easter in the year 1860, the Royal Court of the Island of Guernsey, with a view to placing Dealers in Marine Stores under certain regulations, similar to those contained in the Merchant Shipping Act, adopted a *Projet de Loi*, intituled, “*Du Commerce des Ustensiles de Navires*,” as set forth in the Schedule to the said Petition annexed, in order that, if approved by the States, the same might be submitted to Your Majesty's consideration :—That at an Assembly holden before the said Petitioner, on the 10th day of April, in the year 1861, the States approved the said *Projet de Loi*, and humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi*, intituled, “*Du Commerce des Ustensiles de Navires*,” and to order and direct that the same should have the force of Law within the Bailiwick of the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and *Projet de Loi* into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be desirable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall have the force of Law within the Bailiwick of the Island of Guernsey.”

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HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

And Her Majesty doth hereby further direct that this Order, and the said *Projet de Loi* (copy whereof is hereunto annexed), be entered upon the Register of the said Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats and other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

EDMUND HARRISON.

PROJET DE LOI referred to in the foregoing Order :—

DES USTENSILES DE NAVIRES.

Le commerce des Vieux Cordages, Ferrailles et autres Ustensiles de Navire, est soumis aux Règlements qui suivent ;—

1.—Tout individu, qui fait ledit commerce, est tenu de placer au devant de son magasin, une enseigne portant en grands caractères son nom, avec les mots—“Marchand d’Ustensiles de Navire,” et “Dealer in

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Marine Stores,"—sous peine d'une amende, à discrétion de Justice, qui n'excédera pas £28 tournois.

2.—Il est tenu d'avoir un livre journal qui présente les opérations de son commerce, sous peine d'une amende, à discrétion de Justice, qui n'excédera pas £28 tournois.

3.—Il est tenu d'exhiber son livre journal, toutes fois et quantes qu'il en est requis par un Connétable, ou Assistant de Connétable, sous peine d'une amende, à discrétion de Justice, qui n'excédera pas £28 tournois.

4.—Il est tenu d'écrire sur son livre journal, jour par jour, les ustensiles de navire qu'il a achetés, avec le nom, la qualité et la résidence des personnes dont il les tient, sous peine d'une amende, à discrétion de Justice, qui n'excédera pas £28 tournois. Et en cas de récidive dans l'an et jour de la première sentence, il sera passible d'une amende, à discrétion de Justice, qui n'excédera pas £10 sterling.

5.—Il lui est défendu d'acheter, par lui-même ou par ses agents, des vieux Cordages, Ferrailles ou autres ustensiles de navire, d'une personne âgée d'au dessous de seize ans, sous peine d'une amende, à discrétion de Justice, qui n'excédera pas £28 tournois. Et en cas de récidive dans l'an et jour de la première sentence, il sera passible d'une amende, à discrétion de Justice, qui n'excédera pas £10 sterling.

6.—Il lui est défendu de découper ou d'effiler des amarres, ayant plus de cinq brasses de longueur, dans les premiers huit jours après qu'il en aura obtenu la possession, sans avoir préalablement obtenu l'autorisation, par écrit, d'un Connétable ou Assistant de Connétable, sous peine d'une amende, à discrétion de Justice, qui n'excédera pas £28 tournois. Et en cas de récidive dans l'an et jour de la première sentence, d'une amende, à discrétion de Justice, qui n'excédera pas £10 sterling.

(Enregistré sur les Records le 9 Août 1861).

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AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 25th day of July 1861

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th of July, 1861, in the words following, viz. :—

La charge de
Contrôle
rétablie.

“YOUR MAJESTY having been pleased by Your Order in Council of the 10th day of May, 1860, to refer unto this Committee the Petition of the States of Guernsey, setting forth :—That from a very remote period there have been in Your Majesty's said Island of Guernsey two Law Officers, under the denomination respectively of “*Procureur de la Reine*” and “*Contrôle de la Reine*” :—That in the year 1851, the office of “*Contrôle*” became vacant and has not since been filled up :—That at an Assembly of the States holden before Peter Stafford Carey, Esq., Bailiff, on the 6th of May, 1859, the States resolved that it is desirable that the necessary measures be taken with the proper authorities in order to the nomination of a “*Controle*” :—That at the said meeting of the 6th of May, 1859, a Petition was voted to Your Majesty in Council praying Your Majesty would be graciously pleased to fill up the office then vacant of “*Contrôle de la Reine*” :—That Your Majesty was pleased by Your Order in Council of the 6th June, 1859, to refer the said Petition to the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey :—That on the 30th day of June the said Committee reported to Your Majesty that no sufficient reason was shown for reversing the arrangement made in

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the year 1851, under which Your Majesty's Procureur in the Island of Guernsey was to perform the whole of the duties incumbent upon that Officer, and upon Your Majesty's *Contrôle*, receiving in consideration of the additional duties imposed upon him, an addition of Fifty pounds to the Procureur's salary of Two hundred pounds, to enable him to provide for extra clerks and office expenses:—That Your Majesty having taken the said Report into consideration, was pleased, by and with the advice of Your Most Honourable Privy Council, to approve thereof, and to order by Your Majesty's Order in Council of the 6th July, 1859, that the said Petition of the States should be and the same was thereby dismissed that Board:—That the States, impressed with the great importance of this matter, humbly pray Your Majesty in Council either to declare it right and proper that a *Contrôle* should be named in accordance with the prayer of the said Petition, or to be graciously pleased to hear them in support of the said Petition, among other for the following reasons:—That the States have not thought it necessary each time they present a Petition to Your Majesty in Council to express all the reasons in support of the prayer of the Petition, especially in a case, the object of which is to maintain the constitution inviolate and involves no innovation, that they have understood that a vote of the States would be received favourably by Your Majesty unless an opposition were raised, or that Your Majesty objected to its confirmation, and that then in each case, Your Majesty would not pronounce a final decision without hearing the States:—That so recently as the 27th of January, 1859, during the discussion of the *Projet de Loi* relative to the redemption of small rents, the Lords of Council interrupted Mr. Butt, the Counsel of the States, when he was about to explain the reasons of the law, telling him that a vote of the States would

primâ facie be favourably received by Your Majesty and by their Lordships unless the opponents proved that the law would be unjust :—That with reference to the said Order in Council of the 6th of July, 1859, it was the more necessary that the States should be heard, because Your Majesty's decision, as the Order itself declares, is based not only on the absence of sufficient reasons on the part of the States, but also on an arrangement which was made and carried into execution without the knowledge of the States, and which was only communicated to them officially by the said Order of the 6th of July, 1859 :—That the Order in Council of the 6th of July, 1859, giving as it does to this arrangement an authority it had not before, it has become incumbent on the States to show Your Majesty in Council how seriously it infringes the constitution of the Island :—That the "*Procureur de la Reine*" and the "*Contrôle de la Reine*" constitute the Ministry of Justice :—That the "*Procureur*" is a member of the States and has a deliberative vote in the Assembly :—That by the custom of the Island the "*Contrôle*" has always had the right of speaking in the States, but has no vote :—That the duties of the "*Contrôle*" are very important, that the office is a constituent part of the Royal Court, in its functions both criminal and civil :—That it is very important in the passing of Ordinances, one of the principal Attributes of the Court ; that it is equally important in the preparation and discussion of new laws, which in most cases emanate from the Ministers of Justice, are discussed by the Court, subsequently referred to the deliberation of the States, and finally submitted to Your Majesty in Council :—That the "*Procureur*" and the "*Contrôle*" being *ex-officio* the guardians of every public interest, the parochial officers and others are obliged to have recourse to one of them to obtain the authority of the Court for such administrative

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measures as require this formality, and consequently while the office of "*Contrôle*" is not filled up, they are restricted to do so through the "*Procureur*" alone, whose opinions may be adverse to those they have to uphold:—That the Royal Commissioners sent by Your Majesty to the said Island in the year 1846, in their second report, when speaking of the "*Procureur*" and "*Contrôle*" express themselves as follows:—"They answer respectively, so far as they are the legal advisers of the Crown, to the Attorney and Solicitor General in England, but they also form a constituent part of the Court when sitting as a Criminal tribunal, and conduct all criminal prosecutions, which although directed by the Court, are technically said to be at the instance of the Officers of the Queen.—No sentence of the Court can be legally passed until their conclusions have been given, that is their opinion on the law applicable to the case, and their view as to the effect of the facts proved, and the punishment that the crime demands; in performing these functions they are supposed to act, not as the Advocates whose duty it is to bring the charge home to the accused, but as Ministers of Justice assisting the Court with their advice.—Some such Officers are evidently necessary in a Court whose Judges are not lawyers, to prevent the decisions of the Jurats from infringing the law. But since the practice has been to appoint a lawyer to the office of Bailiff, the necessity for the performance of this part of the duty of the Crown Officers is not approved."—"The Crown Officers form a constituent part of the Court (Police Court) while acting in the exercise of its summary jurisdiction, all proceedings are at their instance and no sentence is valid unless given after hearing their conclusions":—That the arrangement aforesaid is in its effect a legislative measure affecting the constitution of the Royal Court

and the institutions of the Island, and is consequently an encroachment, as well on the authority of Your Majesty in Council as on that of the States:—That this ministry of Justice is so essentially an integral part of the constitution of the Court, that the Court is not complete and cannot sit without the presence of one of these Officers, either the “*Procureur*” or the “*Contrôle*.”—That in criminal matters, neither the lesser number of the Court sitting in Police, nor a full Court, can pronounce a sentence except after hearing the conclusions of the Ministry of Justice:—That when there are two Officers constituting the Ministry of Justice, their conclusions are the mature result of deliberation of two learned men who in their chamber consider the case, examine the law, discuss each other’s ideas and opinions, and thus arrive at “conclusions” which they subsequently submit to the consideration and the judgment of the Court:—That the conclusions coming from two men learned in the law, are such as Justice requires for the protection of the accused, and for the instruction of the Court:—That if there be difference of opinion between the Officers forming the Ministry of Justice, a circumstance of rare occurrence, the Bailiff who sums up the facts and explains the law of the case, guides the Court, and the accused generally has the benefit of that opinion which is the more favourable to him, and justice tempered with mercy cannot be wounded thereby:—That when there is but one Officer of the Ministry of Justice, uniting in his person the two Offices, that Officer has not the advantage of consulting a colleague equally responsible with himself, and that the conclusion of the Procureur, however learned and judicious he may be, is only the opinion of one man who may err, and whose erroneous impressions may lead the Court into error:—That for the sane administration of Justice and the protection of the

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accused in England there is, first the Committing Magistrate, the Grand Jury, then at the trial the Judge of Assize, who is a stranger to local influences, and a Jury that must be unanimous ; that in France, the law requires that the Judges who commit shall not sit at the trial, that the French law gives also to the accused the benefit of a Jury, the majority of whom must find him guilty, and if only a majority of the Jury has found him guilty, the majority of the Court can refer the case to the next assizes, where the trial recommences, and the law thus affords him another opportunity of defence and of justification ; that the same law also gives to the accused the privilege of appeal on all points of law arising out of the case :—That in Guernsey, on the contrary, there is no Committing Magistrate apart from the Royal Court, no Grand Jury nor Petty Jury, unanimity in the finding of the verdict is not required ; the Bailiff and the Jurats, four perhaps in number, who commit the prisoner, may form on the trial the majority of the Criminal Court, often composed of the Bailiff and seven Jurats only, and from their sentence there is no appeal :—That if, notwithstanding the many safeguards which exist both in England and in France, innocence is sometimes the victim of error, it is the more necessary in Guernsey, where these safeguards do not exist, that the conclusions of the Ministry of Justice affecting the personal liberty, and, it may be, the life of accused persons, should be such as are required by the judicial constitution of this Island, expressing the deliberate opinion of not less than two learned individuals, chosen for the special purpose of advising the Court in such matters, and responsible for the advice they give :—That the absence of a code of laws defining the punishments to be awarded, imposes on the Ministry of Justice a responsibility, and gives to their functions a peculiar importance,

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functions with which, in the absence of a code, no one man should alone be invested; that when the Ministry of Justice consisted of two Officers of the Crown, they were the *amici curiæ* and supplied the omissions and corrected the errors of the accused;—that now that there is but one officer, he becomes almost forcibly, and against his will, the adverse party of the accused:—That the Royal Commissioners (1846) have recommended that there should be in Guernsey a Committing Magistrate independent of the Royal Court; that the existence of such a Court, if it were constituted, would necessitate the reappointment of a *Contrôle*:—That in Civil matters the Office of “*Contrôle*” is equally important, for the Court may have occasion to call for the conclusions of the Ministry of Justice:—That the “*Procureur*,” concurrently with his public functions, practises as an Advocate, and as such, having a large number of clients, it is impossible that he should not contract, unconsciously perhaps and against his will, opinions either favourable or adverse to many persons, and that in the event of these persons coming before the Criminal Court, a suspicion may arise that these opinions exercise an influence on the conclusions he is called upon to give, suspicion which, however unfounded it may be, is injurious to the interests of Justice, and creates a state of things that ought not to exist; that this suspicion becomes the more serious and real when either the client or the adversary of the Procureur-Advocate is brought before the Criminal Court, either for contempt of Court, forgery, perjury, or other cause arising out of a civil suit in which the Procureur may have pleaded; that the remedy for this evil consists in the nomination of a “*Contrôle*,” to whom the Court would always have the advantage of referring for his conclusions, as they were wont to do in similar cases before the office of

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Contrôle was suppressed:—That the office of “*Contrôle de la Reine*” is equally important in respect of the conclusions he is called upon to give on the Ordinances of the Court and the “*Projets de Loi*” which are discussed in the Court of Chief Pleas and at the States before being submitted to Your Majesty in Council,—conclusions which, having reference to new legislation, require much study, deep reflection, and precise knowledge both of laws and of men, and for which the experience of two enlightened officers is highly desirable:—That not only the administration of Justice, but also the judicial organisation of the Court, suffer from the suppression of the Office of “*Contrôle*”; that since this suppression the Bar has not been filled up; that there are now two vacancies, and that the States are not aware of any candidate educating for the law:—That in a country like Guernsey, ruled in a great measure by unwritten customs and usages, these customs and usages are mainly transmitted and perpetuated by the members of the Bar; that the Bar is the nursery of the Ministry of Justice, and that many of its members, including Officers of the Crown, have, after an honourable career, been elevated to the Bench, where their presence is useful from their knowledge of the customs and usages, of the laws, franchises and liberties of the Island; that it is the more important that the Bar should be composed of men of talent, as the Royal Commissioners state that the present practice is to name a lawyer to the office of Bailiff; that the suppression of the office of “*Contrôle*” has doubtless influenced and is perhaps the cause that there are no candidates for the vacancies now existing; that in the event of illness or absence of the Procureur, the Court is called upon to swear in a delegate, taken from among the Members of the Bar, who at present are only five in number, that they can refuse to act, and

should they so refuse, that the course of Justice would be paralysed :—That it is highly important to remedy without delay this state of things :—That with all the safeguards necessary for the sane administration of Justice, it happens nevertheless that judicial errors occur both in England and in France ; that such errors would have occurred more frequently in Guernsey had it not been for the great learning and judgment of the Bailiff, for the talent and zeal which the Procureur displays in the discharge of the numerous and difficult functions of his Office, for the devotion and impartiality of the Court, which possesses the public confidence ; but that men pass away while institutions remain, and that it is prudent and wise to be prepared and to encourage at the Bar men whose talents render them worthy of the situations which the institutions require. And humbly praying that it may please Your Most Excellent Majesty in Council either,

(1) To declare Your Majesty's Royal Will and Pleasure that the Office of "*Contrôle de la Reine*," in the Royal Court of Guernsey, should be filled as of old ; or

(2) To permit that Your petitioners be heard at the Bar of Council in support of this their petition, to the effect that the said Office be filled ;—

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition into consideration, and having heard Counsel on behalf of the Petitioners as well as Your Majesty's Procureur, do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to direct that the Office of "*Contrôle de la Reine*" be revived in the Royal Court of the Island of Guernsey."

HER MAJESTY having taken the said Report

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into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Office of *Contrôle de la Reine* in the Island of Guernsey be revived.

Whereof the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

(*Enregistré sur les Records le 20 Août 1861*).

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 5th day of August 1861.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Causes pour-
sivies au
Petit Criminel.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 3rd day of August, 1861, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your Order in Council of the 26th day of June, 1861, to refer unto this Committee the Petition of Peter Stafford Carey, Esq., Bailiff of the Island of Guernsey, setting forth :—That in the Bailiwick of Your Majesty's Island of Guernsey, many inquiries of a character essentially civil, are nevertheless required by law to be prosecuted by means of the Law Officers of the Crown, before the Criminal Court :—That this mode of proceeding has long been acknowledged to be inconvenient and objectionable :—That with a view to improve the law in this respect, the Royal Court, at the Chief Pleas after Christmas, holden on the 16th day of January, in the year 1860, adopted a *Projet de Loi* intituled “*Loi relative aux causes présentement*

poursuivies au Petit Criminel," as set forth in the schedule annexed to the said Petition, in order that, if approved by the States, the same might be submitted to Your Majesty's gracious consideration:— That at an Assembly holden before the said Petitioner on the 10th day of April, in the year 1861, the States approved the said *Projet de Loi*. And humbly praying that Your Majesty may be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi* intituled "*Loi relative aux causes présentement poursuivies au Petit Criminel,*" and to declare Your Royal Will and Pleasure that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

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"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall have the force of Law within the Bailiwick of the Island of Guernsey."

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

And Her Majesty doth hereby further direct that this Order, and the said *Projet de Loi* (copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and

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Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons who it may concern, are to take notice and govern themselves accordingly. _____ EDMUND HARRISON.

Projet de Loi referred to in the foregoing Order :—

LOI RELATIVE AUX CAUSES PRÉSENTEMENT
POURSUIVIES AU PETIT CRIMINEL.

1.—Les causes présentement poursuivies au Petit Criminel (à l'exception de celles qui sont intentées pour les pénalités et amendes imposées par les Lois et Ordonnances) seront pour l'avenir censées causes civiles, et elles seront poursuivies comme telles sans l'adjonction des Officiers de la Reine ; bien entendu que les ajournements ne seront portés que par le ministère du Sergent de la Reine, lequel sera payé pour le port desdits ajournements sur le pied spécifié à l'article 3 de la Loi de 1858 portant modification à la procédure en Plaids d'Héritage.

2.—Toutefois, en matière de libelle, il sera loisible à la partie plaignante (au lieu d'intenter une cause civile), d'actionner le défendeur devant la Cour en Corps, à ouïr sa plainte et déclaration, et à la voir obtenir l'adjonction d'un des Officiers de la Reine ; et, si l'adjonction est permise, la procédure présentement en force sera suivie, excepté qu'il n'y aura pas d'Officier de la Reine adjoint au défendeur ; bien entendu que l'amende imposée envers la Couronne ne sera pas moindre que la somme adjudgée à la partie.

(*Enregistré sur les Records le 30 Novembre 1861*).

AT THE COURT AT WINDSOR

the 20th day of November 1861

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE CONSORT, &c.

Suppression de
la Cour du
Fief St. Michel

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the

Committee of Council for the Affairs of Guernsey and Jersey, dated the 22nd day of October, 1861, in the words following, viz. :—

1861.

“YOUR MAJESTY having been pleased by Your Order in Council of the 13th of May, 1861, to refer unto this Committee the Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That there has been from time immemorial a Court of civil jurisdiction within the Fief St. Michel, belonging to Your Majesty, in the Island of Guernsey :—That the Royal Court of the said Island of Guernsey has at all times had jurisdiction, concurrently with the said Court, throughout the whole of the said Fief :—That it is consequently competent to the said Royal Court to exercise all the judicial functions belonging to the Court of the said Fief :—That Your Majesty’s Government, with a view to provide funds for the improvement of the judicial organisation within the said Island, recently directed that a scheme should be prepared for the reduction of the Court of the said Fief, in order that the same might be submitted to the States for their approval :—That a scheme having been accordingly prepared by Your Majesty’s Procureur, the Royal Court, on the 16th day of February, in the year 1861, adopted a *Projet de Loi* intituled “*Loi pour la suppression de la Cour du Fief St. Michel,*” in the form set forth in the Schedule annexed to the said Petition, in order that, if approved by the States, the same might be submitted to Your Majesty’s gracious consideration :—That at an Assembly holden before your Petitioner on the 10th day of April, in the said year 1861, the States approved the said *Projet de Loi*, in a resolution conceived in the following form, viz. :—

LES ETATS, tout en approuvant le *Projet de Loi* pour la suppression de la Cour du Fief Saint Michel, ont été d’avis de déclarer :

1861.

1° Que ladite suppression, ayant lieu dans l'intérêt de l'Administration de la Justice en cette île, l'augmentation du revenu du fisc qui en résultera devrait strictement être appliquée à cet objet.

2° Que les excédants du revenu du fisc, au montant d'environ £2,400 stg., qui ont été depuis peu d'années envoyés hors de l'île, devraient y rentrer pour y être placés en rentes, et ainsi accroître ledit revenu, et le mettre plus en état de subvenir généralement aux besoins de l'administration de la justice.

3° Qu'à l'avenir, tout excédant dudit revenu devrait également être placé en rentes, pour accroître le revenu de Sa Majesté en cette île.

And humbly praying that Your Majesty may be graciously pleased to grant Your Royal Sanction to the said *Projet de Loi* intituled "*Loi pour la suppression de la Cour du Fief Saint Michel*," and to order and direct that the same shall have force of Law. And Your Majesty having been further pleased by Your Order in Council of the 26th June, 1861, to refer unto this Committee the Petition of M. Nicholas Moullin, Acting Seneschal or President of the Cour of St. Michel, against the confirmation of the said *Projet de Loi*.

"THE LORDS OF THE COMMITTEE have, in obedience to Your Majesty's said Orders of Reference, this day taken the said *Projet de Loi* and the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order and direct that the same shall have the force of Law in the said Island of Guernsey."

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve thereof, and to

ratify and confirm the said *Projet de Loi*, and to order, as it is hereby ordered, that the same (copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Guernsey and observed accordingly. Whereof the Lieutenant-Governor or Commander-in-Chief, Bailiff, and Jurats, and all other Her Majesty's officers for the time being in the said Island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

1861.

ARTHUR HELPS.

Projet de Loi referred to in the foregoing Order :—

LOI POUR LA SUPPRESSION DE LA COUR DU
FIEF ST. MICHEL.

1.—La Cour du Fief Saint Michel est supprimée, et toute juridiction, pouvoir ou autorité y appartenant ou exercée par ladite Cour, et par tous et un chacun les officiers d'icelle, à l'exception du Prévôt du Valle, est entièrement et absolument abolie et déterminée.

2.—Les Officiers de ladite Cour, résidans en cette île, continueront à jouir des revenus et des salaires attachés à leurs charges respectives, pendant leur vie, et sujet auxdites jouissances, les terres et rentes attachés aux offices et charges de ladite Cour, formeront à perpétuité partie des biens du Fisc en cette île, et en seront les revenus reçus par le Receveur-Général de la Reine.

3.—Le Prévôt du Valle sera à l'avenir sermenté devant la Cour Royale, sur la présentation du Receveur-Général de la Reine, et sera Sa Majesté priée d'assigner audit Prévôt du Valle, un salaire convenable pour la surveillance des courants d'eau dans le Clos du Valle.

4.—Les Chefs de Bouvée du Fief de Lihou, continueront à gérer à tour de rôle la charge de Prévôt dudit Fief, chacun pour une année, comme d'ancienneté, et seront sermentés à l'effet devant la Cour

1862.

Royale sur la présentation du Receveur-Général de la Reine.

5.—Une douzaine d'hommes des tenans du Fief Lihou seront sermentés devant la Cour Royale sur la présentation du Receveur-Général de la Reine, à l'effet de faire un nouveau Livre de Perchage et Mesurage dudit Fief, toutes fois et quantes que besoin sera.

6.—Les Archives de la Cour du Fief Saint Michel seront déposées au Greffe de la Cour Royale, pour, avec les livres appartenant de ladite Cour du Fief Saint Michel, qui y ont été déjà déposés, faire partie des Records.

(Enregistré sur les Records le 29 Mars 1862).

AT THE COURT AT WINDSOR

the 21st day of March 1862

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

Administra-
tion de l'Ecole
Publique de
l'île d'Auregny

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 27th of February, 1862, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your Order in Council of the 5th of February, 1862, to refer unto this Committee the Humble Petition of Thomas Clucas, Esq., Judge and President of the States of Your Majesty's Island of Alderney, setting forth :— That on the 5th day of April, 1790, at a meeting of the States of this Island, on the proposition of John Le Mesurier, Esq., then Hereditary Governor of Alderney, a certain Act of the said States was passed for the foundation and support of a Public School as hereinafter set forth :—

“LE 5e Avril 1790, devant Monsieur Jean Gauvain, “Juge, présents : Messrs. Simon Gauvain, Philippe “Pezet, Jean Ollivier et Jean Simon, Jurés ; et la

“ Douzaine représentant le Droit du Public, et en 1862.
“ présence de Jean Le Mesurier, Ecuyer, Gouverneur
“ de cette Ile, etc. :—

“ Le sùdit Jean Le Mesurier, Ecuyer, Gouverneur
“ de cette Ile, ayant représenté à l'Etat (extraordinaire-
“ ment assemblé à ce sujet) que vu la nécessité qu'il y
“ a d'avoir un bon maître d'école en cette Ile qui
“ puisse élever les Enfans dans la crainte de Dieu
“ suivant aux préceptes du Saint Evangile, et aussi vu
“ les difficultés qui se sont ci-devant trouvées lorsqu'on
“ a agité l'érection d'une Ecole Paroissiale, ledit Mon-
“ sieur le Gouverneur porté par la grande affection et
“ l'amitié sincère qu'il a pour les Habitants de cette
“ Ile, et persuadé du grand bien qui en résultera, tant
“ à la génération présente, qu'à celles qui sont à venir,
“ a de son pur et libre mouvement trouvé à propos de
“ fonder à perpétuité une Ecole en cette Ile. Et pour
“ ce promet et s'oblige de donner du terrain situé au
“ bas de la Grande Rue et d'y bâtir à ses propres fraix
“ et coutages une Maison de trente à quarante pieds
“ de long et de quinze à vingt pieds de large, de dehors
“ en dehors dans laquelle il y aura une Ecole avec un
“ petit jardin y joignant, le tout pour l'usage du maître,
“ et de plus d'assigner dès à présent, à fin et perpétuité
“ d'Héritage Quatre Cents Livres Sterling dans les
“ fonds des Trois per Cent *Consolidated Bank An-*
“ *nuities* en Angleterre aux noms dudit Jean Le
“ Mesurier, Ecuyer, Gouverneur; de Pierre Le Mesurier,
“ Ecuyer, Lieutenant-Gouverneur; du Révérend Mon-
“ sieur Pierre Solier, Ministre; et de Monsieur Jean
“ Gauvain, Juge de cette Ile, présents et acceptants
“ pour eux, et les successeurs respectifs de leurs dites
“ charges afin que lesdites Quatre Cents Livres de
“ *Consolidated Bank Annuities* restent aux noms
“ desdits Messieurs et aux noms de leurs Successeurs,
“ Gouverneurs, Lieutenant-Gouverneurs, Ministres, et
“ Juges de cette Ile à jamais (en Anglais “ *In Trust* ”),

1862.

“ et afin que l'Intérêt desdites Quatre Cents Livres
“ *Consolidated Bank Annuities* soit payé par les
“ *Trustees* tous les six mois à son échéance au maître
“ de ladite Ecole. Et cas avenant qu'il n'y aurait
“ point de maître à l'échéance de quelques unes des
“ dernières années d'intérêts, alors cet argent sera
“ remis dans le même fonds pour en accroître le
“ Capital sans qu'il soit jamais permis de vendre ou
“ de diminuer ledit Capital à moins que la Nation
“ Anglaise ne trouverait à propos de rachetter ses
“ Fonds, alors dans ce cas seulement il sera loisible
“ aux *Trustees* de ce temps-là de recevoir cet argent et
“ d'en investir le montant en Terres ou en autres
“ bonnes Garanties en cet Ile, moyennant le consente-
“ ment du maître qui en recevra toujours le revenu ou
“ l'intérêt. A tout quoi faire tenir et accomplir ledit
“ Monsieur le Gouverneur s'oblige par ces présentes
“ comme aussi de passer Contract de ladite Maison et
“ Jardin dès que batis aux noms des *Trustees* su-dits
“ pourvu que l'Etat de son coté s'oblige de carrier et
“ fournir sur le lieu les pierres nécessaires pour la
“ batisse, de charier les autres matériaux et de faire
“ faire le service requis pour les maçons, charpentiers, et
“ autres ouvriers. Et que ledit Etat promette de plus
“ d'entretenir pour l'avenir ladite Maison, Ecole et
“ Jardin en bonne et due reparation lorsque réquisition
“ en sera faite par les *Trustees* ou l'un d'iceux à con-
“ dition cependant que si l'Etat en aucun temps c'y
“ après refusait ou négligeait de faire faire les su-dites
“ reparations et ce après en avoir été requis par les
“ su-dits *Trustees* ou deux d'iceux en deux Chefs-Plaids
“ consécutifs qu'alors ladite Maison, Ecole, Jardin et
“ Terrain, aussi bien que les Quatre Cents Livres de
“ *Consolidated Bank Annuities* donnés par les pré-
“ sentes avec l'accroissement qu'il pourrait y avoir de
“ plus retourneront immédiatement à et redeviendront
“ *'ipso facto'* la propriété absolue dudit Jean Le

“ Mesurier, Ecuyer, et après lui de son Héritier Principal ou des Représentants dudit Héritier Principal sans que la Paroisse y puisse rien prétendre après.

“ Et sera ledit Maître d'Ecole choisi et appointé par ledit Jean Le Mesurier, Ecuyer, et après lui par son Héritier Principal, résident en cette île, ou les Représentants dudit Héritier Principal à jamais. Lequel dit Maître sera tenu et obligé d'observer les règles suivantes :—

“ 1° Il tiendra Ecole tous les jours, excepté les Dimanches, Fêtes et Vacances, depuis neuf heures du matin jusqu'à midi, et depuis une heure jusqu'à quatre de l'après-midi.

“ 2° Ledit Maître ne sera point obligé de garder Ecole les quatre jours du varec ni quinze jours durant la moisson ni la semaine de Noël, ni celle de Pâques, ni celle de la Pentecôte, ni celle de la St. Jean durant laquelle on va au varec, ni le Samedi après onze heures du matin.

“ 3° Ledit maître commencera l'Ecole par faire une prière à Dieu et la finira par une autre prière.

“ 4° Il fera son possible pour bien instruire les enfans dans la crainte de Dieu, leur apprenant des prières qui soient à leur portée et leur faisant reciter le Catéchisme de l'Eglise Anglicane au moins une fois par semaine.

“ 5° Ledit Maître fera lire et écrire les Ecoliers tant en Anglais qu'en Français, et leur fera faire l'orthographe une fois la semaine alternativement dans l'une et l'autre langue (à moins qu'il ne sache pas l'Anglais) et il leur apprendra l'arithmétique.

“ 6° Ledit Maître sera tenu et obligé de recevoir à l'Ecole et d'enseigner 'gratis' les pauvres de la Paroisse, c'est-à-dire les enfans de ceux qui quoi qu'habitants de cette Ile ne sont point taxés et ne pourra exiger plus de trois penny sterling par semaine pour l'Ecolage de ceux qui seront Habitants.

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“ 7° Ledit Maître sera de plus tenu et obligé d’ob-
“ server tout et tel Règlement comme les *Trustees*
“ sù-dits ou la majorité d’iceux pourront de temps en
“ temps lui prescrire après en avoir été dûment requis
“ et admonesté par trois fois sous peine dudit Maître
“ d’être déposé et mis hors de ladite Maison, Ecole et
“ Jardin, ou de perdre tout ou partie de l’Intérêt des
“ Quatre Cents Livres dans les *Consolidated Bank*
“ *Annuities* pour un certain temps à l’option des
“ *Trustees* ou la majorité d’iceux, bien entendu ce-
“ pendant que Monsieur le Gouverneur y consente, car
“ il est stipulé qu’on ne pourra jamais déposer ledit
“ Maître ni lui faire perdre aucune partie de son
“ revenu, ni changer rien à ce présent règlement sans
“ l’approbation expresse dudit Jean Le Mesurier,
“ Ecuyer, et après lui de son Représentant quand
“ même tous les autres *Trustees* en seraient d’avis.

“ 8° Il y aura tous les ans un examen public des
“ Ecoliers par les *Trustees* afin de connaître les progrès
“ qu’un chacun aura fait et afin de juger des peines et
“ des soins que le Maître se sera donné.

“ 9° Cas avenant qu’il arrive quelque dispute entre
“ le Maître et les Parens des Ecoliers l’affaire sera
“ remise devant les *Trustees* et ledit Maître sera tenu
“ de paraître devant eux, et de se conformer à leur
“ décision sur les peines portées à l’Article Septième.

“ 10° Ledit Maître sera tenu et obligé de servir de
“ Clerc à l’Eglise, c’est-à-dire qu’il s’asseyera dans la
“ place assignée au Clerc et qu’il repetera à haute voix
“ l’oraison Dominicale, le Symbole des Apôtres, et les
“ reponses du service divin, ainsi qu’il se pratique en
“ Angleterre, à moins que les *Trustees* ou la majorité
“ d’iceux ne trouvent à propos de l’en dispenser.

“ 11° Comme il est raisonnable d’espérer qu’il se
“ trouvera ci-après des personnes bien disposées qui
“ voudront augmenter une fondation si belle, si utile,
“ et si nécessaire, il est entendu et stipulé que celui

1862.

“ ou celle ou les Représentants de ceux qui donneront
 “ auxdits *Trustees* pour le bénéfice du Maître la valeur
 “ de Vingt Livres Sterling en argent ou un quartier de
 “ Froment de rente auront droit d’envoyer un Enfant
 “ gratis à l’Ecole pour jamais et de plus auront voix
 “ consultative en tout ce qui regarde ladite Ecole.

“ L’Etat prenant ce que dessus en sa très sérieuse
 “ considération et sur ce oui la conclusion des Officiers
 “ du Roi a de voix unanime accepté et adopté avec la
 “ plus grande reconnaissance la sù-dite proposition de
 “ Monsieur le Gouverneur en toutes ses clauses et
 “ remercie ledit Monsieur le Gouverneur pour cette
 “ fondation généreuse et patriotique, fondation qui sera
 “ à jamais un témoignage certain et non equivoque de
 “ sa bonne volonté envers les habitants de cette Ile. En
 “ conséquence de tout quoi, il est ordonné par l’Etat
 “ à tous et un chacun des habitants de cette Ile sans
 “ exception de charge de servir à son tour tant a car-
 “ rier qu’à charrier les pierres et autres matériaux
 “ nécessaires à ladite batisse aussi bien qu’à servir les
 “ maçons, charpentiers, et autres ouvriers lorsqu’ils en
 “ seront avertis par le Marguiller de la Paroisse ainsi
 “ qu’il se pratique pour l’Eglise sur la penalité de Trois
 “ Livres Tournois par chaque default au bénéfice dudit
 “ bâtiment. Et afin de contribuer de tout leur pouvoir
 “ à l’expédition dudit bâtiment, les Messieurs de la
 “ Cour et de la Douzaine ont volontairement promis
 “ conjointement avec Monsieur le Gouverneur de
 “ veiller tour à tour une semaine chacun sur ledit
 “ travail, de faire réciproquement avertir les ouvriers,
 “ chevaux et charettes dont on aura besoin durant
 “ ladite semaine et d’avoir attention que tous et un
 “ chacun s’aquittent de leurs journées.”

That by the aforesaid Act John Le Mesurier, Esquire, Governor, Peter Le Mesurier, Esquire, Lieutenant-Governor, the Reverend Peter Solier, Minister, and John Gauvain, Esquire, Judge, were named

1862.

Trustees of the said School, the Trusteeship to be afterwards vested in their successors, Governors, Lieutenant-Governors, Ministers and Judges, for ever.

That by the aforesaid Act the said States did bind themselves to keep the School House and Premises in due and suitable repair, provided always that if at any time the said States should neglect so to keep the said premises, that then the said premises together with the hereinbeforementioned sum of Four Hundred Pounds Consolidated Bank Annuities, should revert to the said John Le Mesurier, Esquire, his principal Heir, or the representatives of his principal Heir.

That by the aforesaid Act it was also provided that the nomination of the master should be vested in the said John Le Mesurier, and after his death in his principal Heir residing in the Island, or in the representatives of his principal Heir for ever.

That in the year 1825 the patent by which the descendants of the aforesaid John Le Mesurier, Esquire, held the office of Hereditary Governor, was purchased by the Crown, and consequently the Crown is now possessed of all such rights as might have belonged to the descendants of the aforesaid John Le Mesurier in their public capacity.

That the Reverend John Le Mesurier, the descendant and now principal Heir of the aforesaid John Le Mesurier, Esquire, having become non-resident in this Island, has thought it expedient to surrender on certain conditions hereinafter described, to Trustees residing in this Island, all such rights as appertain to him as principal Heir of John Le Mesurier, Esquire, aforesaid.

That Frederick Henry Le Mesurier, Esquire, uncle and Presumptive Heir of the said Reverend John Le Mesurier, has joined with him in making the said surrender as follows :—

“TO ALL TO WHOM THESE PRESENTS SHALL COME, the undersigned Reverend John Le Mesurier, of Bembridge, in the Isle of Wight, principal and sole Heir of John Le Mesurier, formerly Governor of Alderney, and founder of the Schools named in the Deed attached to these presents, dated the 5th day of April, 1790, and Frederick Henry Le Mesurier, of the City of Bath, Esquire, presumptive heir to the said Reverend John Le Mesurier, severally send greeting. Whereas application is now being made to Her Majesty's Most Honourable Privy Council for their sanction to an amended Deed for the management of the Parochial Schools in the Island of Alderney; Now know ye that we, the said Reverend John Le Mesurier and Frederick Henry Le Mesurier, do hereby severally declare that if the sanction of Her Majesty's Most Honourable Privy Council should be obtained to the said amended Deed for the government and regulation of the said Schools, which Deed has been agreed upon and prepared, we do hereby severally surrender all rights, powers, and authorities, of what nature or kind soever, which we now have or which at any time or times hereafter we or either of us might have relating to or in any manner concerning the said Schools under and by virtue of the said Original Deed of the 5th day of April, 1790, dated the 23rd day of November, 1861.

(Signed)

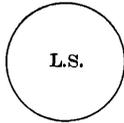
“JOHN LE MESURIER.

“FREDK. H. LE MESURIER.”

“TO ALL TO WHOM THESE PRESENTS SHALL COME, I, Francis Falkner, Notary Public by Royal Authority, duly authorised, admitted, and sworn, residing and practising in the City of Bath, in the County of Somerset, in that part of the United Kingdom of Great Britain and Ireland called England, do hereby certify that the Reverend John Le Mesurier and

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Frederick Henry Le Mesurier, Esquire, the persons respectively named in the paper writing on the other side written, did respectively duly sign the same before me on the day of the date thereof, and that the names 'John Le Mesurier' and 'Fredk. H. Le Mesurier' thereto subscribed are of the respective proper handwriting of the said John Le Mesurier and Frederick Henry Le Mesurier.



"In testimony whereof I have heretunto subscribed my name and affixed my Seal of Office, at the City of Bath aforesaid, this 23rd day of November, 1861.

(Signed)

" F. FALKNER,

" Notary Public, Bath."

That Thomas Clucas, Esquire, Judge, and the Reverend Charles Daniel Palmer Robinson, minister of the said Island of Alderney, do, so far as in them lies, surrender all such rights as they may have possessed by the aforesaid Act of the States of April the 5th, 1790.

That the conditions proposed by the aforesaid Reverend John Le Mesurier were approved by the States of this Island assembled "*en Chefs Plaids*" on the 1st day of October, 1860, as hereinafter set forth, viz. :—

"AUX CHEFS PLAIDS d'après la St. Michel, tenus le 1er Octobre 1860, devant Thomas Clucas, Ecuyer, Juge; présents: Jean Gauvain, Lucas Le Cocq, Jean-Wm. Robilliard, Philippe Mesny, et P.-B. Le Ber, Ecuyers, Jurés, et Messieurs Pierre Robilliard, Michel Gaudion, Jean Langlois, Pierre Hérivel, Nicolas Le Ber, Jean Hérivel, François-D. Le Cocq, Richard Le Sauvage, et Jean-Rd. Le Cocq, Douzainiers, représentant le droit du public.

“Monsieur le Juge ayant soumis aux Etats un nouveau Projet pour l'administration de l'Ecole Publique en cette Ile les Etats en ont approuvé et duquel projet la teneur suit :”—

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ALDERNEY SCHOOL.

OUTLINE OF A SCHEME FOR THE RE-ORGANIZATION OF THE PUBLIC SCHOOL OF THE ISLAND OF ALDERNEY.

1.—The Reverend John Le Mesurier, as the heir of the Founder, to abandon, with the consent of Frederick Le Mesurier, Esquire (his presumptive heir), all the rights which he may possess by virtue of the Act of the States of Alderney, dated 5th April, 1790, or otherwise.

2.—The Lieutenant-Governor of Guernsey with the consent of the Crown (if the same can be obtained), to abandon all rights which the Governors of Alderney as such may formerly have possessed by virtue of the said Act of the States of Alderney.

3.—The whole of the School Buildings with their appurtenances, and the House which contains the Master's and Mistress's Residences, to be vested in the States of Alderney, who shall be bound to maintain the premises in repair and also to keep them insured against fire.

4.—All other property of every kind belonging to the Institution to be vested in and belong to the Directors hereinafter mentioned as Trustees for the School. Provided always that such part thereof as may consist of moneys invested in Government Stock may be so invested in the joint names of the two *ex-officio* Directors hereinafter mentioned, but for account of the Directors generally.

5.—Any personal property to which the Institution may hereafter become entitled may be left invested in or upon the same Stocks or Securities in or upon which it may be standing at the time when the Institution shall become entitled thereto, but in case of its being

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at any time deemed advisable to vary such Stocks or Securities such property shall be invested in British Three per Cent. Consolidated Annuities and not in or upon any other Funds or Securities.

6.—The States of Alderney to defray the expenses attending all transfers of Stock or Securities in trust for the School.

7.—All such provisions of the said Act of the States of Alderney of 5th April, 1790, as are repugnant to or at variance with the scheme now proposed, and also the regulations with respect to the Schoolmaster therein contained, to become null and void.

VISITATION.

8.—In case any question or dispute shall at any time arise on the subject of the religious instruction of the Scholars or the religious practices of the Master, the Mistress, the Pupil Teachers and other assistants, or of the use or disuse in the School on religious grounds of any book, or of permitting or refusing on religious grounds the use of the Schoolroom for purposes other than those of the School, the matter shall be referred to the Bishop of the Diocese, whose decision shall be final and conclusive.

9.—On all other points the Lieutenant-Governor of Guernsey and its Dependencies, or in case a Lieutenant-Governor shall be at any time hereafter appointed for Alderney, the Lieutenant-Governor of Alderney to be the Permanent Visitor of the School.

10.—The Directors, the Master, the Mistress, the Pupil Teachers and other assistants, and the scholars to be subject to visitation.

11.—The visitor to visit when he thinks fit, to hear appeals, and his decisions, orders and decrees on all matters within his jurisdiction to be final, and binding on all the members of the School subject to visitations and their successors.

12.—The Crown to have power to appoint at any 1862.
time a special visitor.

DIRECTORS—THEIR DUTIES AND POWERS.

13.—There shall be three Directors; of these the Judge of Alderney for the time being, and the Incumbent of Alderney for the time being shall, *ex-officio*, be two. The third Director shall be elected from time to time by the States of Alderney for the term of three years, provided always that the person to be so elected shall declare himself to be a member of the United Church of England and Ireland. Such Director may be re-elected at the expiration of the said term.

14.—The Incumbent of Alderney, in case of incapacity from ill-health or otherwise, to have power to depute his licensed Curate to act in his stead, such Deputation to be notified to the Judge of Alderney before the Deputy can act as such.

15.—All questions to be decided by a majority of votes of the Directors, except as is herein otherwise provided.

16.—The Directors to have the general superintendence and management of the affairs of the School.

17.—The use of the Schoolrooms not to be permitted for any other purposes than those of the School, unless authorized by a resolution of the Directors.

18.—Weekly payments to be made by the scholars. The Directors to have power to fix and alter from time to time the amount of such payments, which shall, however, in no case exceed Ten pence per week, and shall not be necessarily at the same rate for all classes of scholars. Children may, in cases of great poverty, be admitted to the School by the Directors without making any payment.

19.—The Directors to fix and regulate all Salaries and other remuneration of the Master and Mistress

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and of such assistants (if any) as it may be deemed expedient to employ.

20.—The Salaries of the Master and Mistress to be paid out of the annual income of the property forming the endowment of the School, so far as such annual income shall extend, without reference to the proportions on which the same was heretofore payable to the Master and Mistress.

21.—The Directors to have power from time to time to make, revoke, and alter Bye-laws and Regulations for the government of the School, so as the same be not repugnant to the Law of the Island or to the Statutes of the School, confirmed by Order in Council.

22.—All proposed Bye-laws and Regulations, or alterations thereof, to be transmitted to the Visitor, and, on his signifying his approval, to be valid.

MASTER, MISTRESS, AND ASSISTANTS.

23.—The Master and Mistress to be members and communicants of the United Church of England and Ireland.

24.—The Master and Mistress and their assistants (if any) to be appointed from time to time by the Incumbent of Alderney, and to be removable by the Directors, subject to an appeal to the Visitor.

SCHOLARS.

25.—No scholar to be expelled unless by the authority of the Directors.

SCHEME OF EDUCATION.

26.—The scheme of Education to include religious and moral instruction, in conformity with the principles and doctrines of the United Church of England and Ireland, the English and French languages, writing, geography, arithmetic, commercial and such other branches of knowledge as it may be found practicable and advantageous to introduce.

27.—The daily business of the School to commence and conclude with prayers, selected by the Incumbent of Alderney from the Book of Common Prayer of the United Church of England and Ireland, or other prayers, to be approved of by the Bishop of the Diocese. And humbly praying that Your Majesty will be graciously pleased to sanction the above recited Act of the States of October the 1st, 1860, and to declare Your Royal Will and Pleasure that the same shall have full force of Law in Your Majesty's Island of Alderney.

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“THE LORDS OF THE COMMITTEE have, in obedience to Your Majesty's said Order of Reference, this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the Act of the 1st of October, 1860, in reference to the re-organisation of the Public School of the Island of Alderney, and to order and direct that the same shall have the force of law in that Island.”

HER MAJESTY, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said Act, and to order, as it is hereby ordered, that the same shall have the force of law in the Island of Alderney, and it is hereby further directed that this Order, together with the said Act (a copy of which is embodied in the above mentioned Report), be entered upon the Register of the Island of Guernsey, and the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island of Guernsey, and also the Judge and Jurats of the Island of Alderney, and all other persons

1862. whom it may concern, are to take notice hereof and govern themselves accordingly. EDMUND HARRISON.

(Enregistré sur les Records le 10 Mai 1862).

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 26th day of April 1862

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
LORD PRESIDENT, &c.

Havre de St.
Pierre-Port.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th day of April, 1862, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That on the second day of September, in the year 1858, Your Majesty, on the Petition of the States, was graciously pleased, by and with the advice of Your Most Honourable Privy Council, to authorise the levying of certain duties to be applied to certain works for the improvement of the Harbour of St. Peter-Port :—That the produce of the said duties amounted in the year 1861 to upwards of £8,000 sterling :—That at an Assembly holden before the Bailiff on the 24th day of January, in the year 1862, the States, in deliberating on the further improvement of the Harbour, voted certain additional works, to wit, a further amount of dredging not exceeding the cost of £1,000, the construction of certain works under the Terres, including a place for depositing sea-weed, at a cost not exceeding £1,500. And humbly praying that Your Majesty will be graciously pleased to authorise the application of the Harbour Funds to the purposes above mentioned.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition of the States of the Island of Guernsey into consideration, and their Lordships do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of what is therein proposed, and to authorise the application of the revenue of the Harbour to the execution of certain works voted at an Assembly of the States on the 24th day of January, 1862.”

HER MAJESTY, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to authorise the application of the Revenue of the Harbour, as well to the execution of the further works voted at an Assembly of the States on the 24th of January, 1862, as to the other purposes to which the dues at present levied are applicable, under the authority of the several Orders in Council issued in that behalf. Whereof the Lieutenant-Governor or Commander-in-Chief of Her Majesty’s Island of Guernsey, the States of the said Island, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

EDMUND HARRISON.

(Enregistré sur les Records le 14 Juin 1862).

AT THE COURT AT WINDSOR
the 7th day of June 1862

PRESENT

THE QUEEN’S MOST EXCELLENT MAJESTY
LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the ^{Havre de St. Pierre-Port.}

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Committee of Council for the Affairs of Guernsey and Jersey, dated the 5th day of June, 1862, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That since the improvement of the Harbour of St. Peter-Port was taken in hand in the year 1851, divers works for carrying that object into effect have from time to time been voted by the States and sanctioned by Your Majesty in Council :—That Your Majesty has been graciously pleased to authorise the levying of certain dues to be applied as well to the Ordinary Expenses of the said Harbour as to those incurred in the execution of the works :—That the dues now levied are regulated by an Order of Your Majesty in Council, given on the 17th day of December, in the year 1860 :—That these dues produce a revenue of Eight Thousand Pounds a year and upwards :—That on the 14th day of May, in the year 1862, the States, in prosecution of the designs for the improvement of the Harbour, voted the completion of Saint Julien Pier, which forms the Northern Arm of the New Works, the cost of the work so voted being estimated at £39,612. And humbly praying that Your Majesty will be graciously pleased to authorise the application of the revenue arising from the said dues to the payment of the works so voted by the States as aforesaid, in the same manner as to the other purposes to which they are at present applicable under the authority of Your Majesty’s Orders in Council in that behalf.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition of the States of the Island of Guern-

sey into consideration, and their Lordships do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of what is therein proposed, and to authorise the application of the revenue of the Harbour to the execution of certain works voted at an Assembly of the States on the 14th day of May, 1862.”

1862.

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to authorise the Revenue of the Harbour of St. Peter-Port, in the Island of Guernsey, as well to the execution of the further works voted at an Assembly of the States of that Island on the 14th of May, 1862, as to the other purposes to which the dues at present levied are applicable under the authority of the several Orders in Council issued in that behalf.

Whereof the Lieutenant-Governor or Commander-in-Chief of Her Majesty's Island of Guernsey, the States of the said Island, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern are to take notice and govern themselves accordingly.

EDMUND HARRISON.

(Enregistré sur les Records le 15 Novembre 1862).

AT THE COURT AT OSBORNE HOUSE (ISLE OF WIGHT)

the 1st day of November 1862

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 23rd day of October, in the words following, viz. :—

Bateau de
Sauvetage.

1862.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, dated the 30th of September, 1862, setting forth:—That in the year 1860 certain benevolent individuals combined to purchase a Life Boat to be used on the coasts of this Island:—That with a view to the said Life Boat being permanently maintained in a state of efficiency, the proprietors have placed it under the charge of the Royal and National Life Boat Institution:—That the said Institution has erected a suitable building for its reception on a piece of ground placed at its disposal for that purpose by the St. Sampson’s Harbour Committee:—That the Royal Court, on behalf of the States, has contributed the sum of £50 towards the first outlay:—That the Royal and National Life Boat Institution depends for support on voluntary contributions:—That it has been considered that it would be right and fair that the Revenues arising from the Maritime Trade of the Island should contribute towards the expense of keeping up the Life Boat. And humbly praying that Your Majesty may be graciously pleased to authorise the States to charge, from time to time, upon the Revenues of the Harbour of St. Peter-Port and of the Harbour of St. Sampson’s an annual grant not exceeding £30 in any one year, in favour of the Royal and National Life Boat Institution, such sums as may be so charged by the States upon each of the said Harbours to be deemed to form part of the ordinary expenditure thereof.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition into consideration, and their Lordships do humbly agree to report as their opinion to Your Majesty that it may be advisable for Your

Majesty to approve of what is therein proposed, and to authorise the charge upon the revenues of the said Harbours of an annual grant, not exceeding £30 in any one year, in favour of the Royal and National Life Boat Institution.”

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HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to authorise the States of Guernsey to charge from time to time upon the revenues of the Harbour of St. Peter-Port and of the Harbour of St. Sampson's an annual grant, not exceeding £30 in any one year, in favour of the Royal and National Life Boat Institution.

Whereof the Lieutenant-Governor or Commander-in-Chief of Her Majesty's Island of Guernsey, the States of the said Island, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern are to take notice and govern themselves accordingly.

ARTHUR HELPS.

(Enregistré sur les Records le 28 Mars 1863).

AT THE COURT AT WINDSOR

the 20th day of March 1863

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 14th day of February, 1863, in the words following, viz. :—

Loi qui déclare rachetables les Petites Rentes créées à l'avenir.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of Peter Stafford Carey, Esquire, Bailiff of the Island of Guernsey, setting forth :—That within Your

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Majesty's Island of Guernsey the land is to a great extent encumbered with Rents, charged on it in perpetuity :—That at the Chief Pleas after Christmas, holden on the 16th day of January, in the year 1860, the Royal Court adopted a *Projet de Loi* having for its object to diminish the evil resulting from such encumbrances, by providing that all rents hereafter created under a certain amount, should be redeemable on the part of the owner of the land :—That at the request of the Royal Court the said *Projet de Loi* was laid before the States, in order that, if by them approved, it might be submitted to Your Majesty's gracious consideration :—That at an Assembly holden before Your Petitioner on the 29th day of October, in the year 1862, the said *Projet de Loi* was approved by the States in the Schedule hereunto annexed, intituled "*Loi qui déclare rachetables les Petites Rentes créées à l'avenir.*" And humbly praying that Your Majesty may be graciously pleased to sanction the said *Projet de Loi*, and to declare Your Royal Will and Pleasure that the same shall have the force of Law within the Bailiwick of Your Majesty's Island of Guernsey."

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken into their consideration the said Petition, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall have the force of Law within the Bailiwick of the Island of Guernsey."

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said *Projet de Loi*, and

to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of the Island of Guernsey.

And Her Majesty doth hereby further direct that this Order, and the said *Projet de Loi* (copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

EDMUND HARRISON.

PROJET DE LOI to which reference is made in the foregoing Order :—

LOI QUI DÉCLARE RACHETABLES LES PETITES
RENTES CRÉÉES A L'AVENIR.

1.—Toute rente au dessous de vingt-huit livres tournois, ou au dessous de deux quartiers, payable soit en froment soit en argent, créée après la promulgation de la présente Loi, sera imprescriptiblement rachetable sur le pied de £280 tournois par quatorze livres tournois de rente, ou par quartier de froment de rente, avec la partie de l'année échue lors du rachat.

2.—Toutefois il sera loisible de stipuler, lors de la création d'une rente, qu'elle ne sera pas rachetable pendant un terme qui n'excédera pas trente ans. Une stipulation pour au-delà de ce terme ne sera valable que pour trente ans.

3.—Le droit de rachat ne pourra être exercé par rapport à une rente, pendant qu'elle appartient à une femme couverte de mari.

4.—Une veuve n'aura point de réclamation pour douaire sur les rentes qui, étant la propriété de son mari, auront été rachetées en vertu de la présente loi pendant le mariage.

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(Enregistré sur les Records le 4 Juillet 1863).

AT THE COURT AT WINDSOR

the 11th day of June 1863.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

Havre de St
Samson.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of June, 1863, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That by an Order in Council of the 31st day of July, in the year 1839, Your Majesty was graciously pleased to authorise the States of the said Island of Guernsey to levy certain dues on stone and other goods loaded in the Harbour of St. Sampson's in the said Island, the produce of such dues to be applied to certain works then contemplated for the improvement of the Harbour :—That by a subsequent Order in Council of the 24th day of October, in the year 1853, Your Majesty was graciously pleased to authorise the said States to continue to levy the said dues on condition that, after providing for the cost of collection and the ordinary expenses of the Harbour, the net produce should be applied to the execution of certain further works that had been voted by the said States :—That the said works have since been executed and the cost thereof nearly paid off :—That from the time when the works were commenced under the first Order in Council above adverted to, up to the present time, the yearly export of stone has steadily increased, till at length it has amounted to upwards of 140,000 tons, and that consequently additional

accommodation is required for shipping:—That at an assembly holden before the Bailiff on the 16th day of July, in the year 1862, the States, subject to Your Majesty's authority in that behalf, voted certain additional works for the improvement of the said Harbour, videlicet:—

- 1° The wall of the New North Quay.
- 2° Deepening and trenching the centre Harbour.
- 3° The removal of Rocks inside the Breakwater.
- 4° A tank for fresh water.

That the cost of these several works is estimated to amount to £7,335 7s. :—That at a subsequent assembly holden before the Bailiff on the 30th day of March, in the year 1863, the States authorised the erection of a Beacon on the Rocque de Braye at an estimated cost of £65 stg. ; and decided on praying Your Majesty to authorise them to charge on the revenue of St. Sampson's Harbour one half of the cost of erecting the said Beacon. And humbly praying that Your Majesty will be graciously pleased to authorise the States to apply the revenue of St. Sampson's Harbour, as well to the execution of the works so as aforesaid voted by the States on the 16th day of July, 1862, as also to cover one half of the cost of erecting the Beacon so as aforesaid voted by the States on the 30th day of March, 1863, and to authorise the said States to continue to levy the dues enumerated in the said Order in Council of the 31st day of July, 1839, until, as well the purposes to which the said dues are now applicable, as also the cost to be incurred in respect of the several works above mentioned shall have been fully satisfied and paid.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your

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Majesty that it may be advisable for Your Majesty to approve of what is therein proposed, and to authorise the application of the Revenue of St. Sampson's Harbour, as well to the execution of the works voted by the States on the 16th of July, 1862, as also to cover one half of the cost of erecting the Beacon voted by the States on the 30th of March, 1863, and further to authorise the said States to continue to levy the dues enumerated in Your Majesty's Order in Council of the 31st of July, 1839, until the purposes to which the said dues are now applicable, and the cost to be incurred in respect of the several works included in the respective votes of the States of the 16th of July, 1862, and of the 30th of March, 1863, shall have been fully satisfied and paid."

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed and to authorise the application of the revenue of St. Sampson's Harbour in the Island of Guernsey, as well to the execution of the works voted at an assembly of the States of the said Island on the 16th of July, 1862, as also to cover one half of the cost of erecting the beacon voted at an assembly of the States of the said Island on the 30th of March, 1863.

And Her Majesty was further pleased, by and with the advice aforesaid, to authorise the said States to continue to levy the dues enumerated in Her Majesty's Order in Council of the 31st of July, 1839, until the purposes to which the said dues are now applicable, and the cost to be incurred in respect of the several works included in the respective votes of the said States of the 16th of July, 1862, and of the 30th of March, 1863, shall have been fully satisfied and paid.

Whereof the Lieutenant-Governor or Commander-in-Chief of Her Majesty's Island of Guernsey, the States of the said Island, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

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(Enregistré sur les Records le 7 Mai 1864).

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT
the 26th day of April, 1864

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
DUKE OF SOMERSET, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 19th day of April, 1864, in the words following, viz. :—

La Commune
des Landes et
de la Rocque
au Coucou.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the Reverend Thomas Bell, Clerk, Rector of the Parish of the Vale, in the Island of Guernsey; of William Allez, Procureur of the Poor of the said Parish; of the Reverend Peter Stephens Dobrée, Clerk; and Ezekiel Robin, Richard Mahy, Peter Mollet, Thomas Henry Flère, John Mahy, Daniel Mahy, Daniel Le Maitre, and Henry Hubert, being a Committee appointed on the 20th day of May, 1863, at an aggregate meeting of the Heads of Families of the said parish, of the poor inhabitants of the said parish, and of the inhabitants residing in a portion of the said parish called the Close of the Vale, for the purpose of taking the necessary measures in order to obtain the sanction of the proper authorities for effecting the enclosure and the sale of a Common called “*La Commune des Landes et la Rocque au Coucou,*” situ-

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ate in the said Close of the Vale, setting forth :—That there are certain Common Lands in the parish of the Vale, within the Close, formerly known as waste lands (*Gallié* “*Terres vastes et vacantes*”) which were granted by Royal Commissioners in the year 1582, to one Stephen Harrington, subject to a right of pasture on the part of the inhabitants residing within the said Close of the Vale, for their large cattle and their sheep :—That a portion of the said lands consists of a Common called “*La Commune des Landes et la Rocque au Coucou,*” measuring about thirty-six Guernsey vergées (fifteen English acres), which was conveyed on the 4th day of March, 1789, by Thomas Dobrée, the then owner of the said Common Lands, to Thomas Falla and Nicholas Le Patourel, for and on behalf of the poor inhabitants of the said parish of the Vale, the said Thomas Falla, and Nicholas Le Patourel having been duly empowered by the Heads of Families of the said parish, to purchase the said Common for the benefit of the said poor parishioners :—That the right of pasture on the said Common is of trifling value and is exercised only by such of the inhabitants of the Close of the Vale as occupy land in its immediate vicinity :—That the only benefit which the poor inhabitants of the said parish derive from the said Common arises from the sale of a small quantity of furze which it produces :—That the Heads of Families of the said parish are subjected to certain annual expenses in respect of the said Common, namely :—

Repairs of High Roads	£1	7	10
Rent charges	0	10	0
Repairs of Pathways (about) ..	1	0	0
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That immediately after the said purchase of the 4th day of March, 1789, the Heads of Families of the said parish endeavoured to enclose the said Common, but

were successfully opposed by some of the neighbouring inhabitants, and that since that period proceedings have from time to time been commenced for the same purpose, without however having been brought to any definite result:—That on the 20th day of May, 1863, at the request of the Rector, the Churchwardens, the Constables and Douzeniers, and the Procureur of the Poor of the said parish, as also of some of the poor inhabitants of the said parish, and of some of the inhabitants residing in the Close of the Vale, an aggregate meeting of the Heads of Families of the said parish, of the poor inhabitants of the said parish, and of the inhabitants residing in the Close of the Vale, was held in the Parish Church, at which meeting the following resolutions were adopted, viz:—

1st. That the Common called "*La Commune des Landes et la Rocque au Coucou,*" should be enclosed and sold by auction to the highest bidder, in lots of not more than two vergées each.—2nd, That the proceeds of such sales should be applied in the following manner, namely:—One Moiety in the creation of a fund, the annual income of which should be employed in relieving in cases of sickness, of accidents, and of losses, the poor inhabitants of the said parish or other inhabitants thereof, who should not be rated for parochial purposes at more than ten (Guernsey) quarters of wheat per annum, and which income should be annually distributed by a Committee, to be composed of the Rector and the Procureur of the Poor of the said parish *ex officio*, and of seven of the Heads of Families of the said parish, the said seven last mentioned members of the said Committee to be elected by the Heads of Families of the said parish;—and the other Moiety to build, or assist in building, in the said Close of the Vale, two Infant Schools, which should be under the superintendence of the Rector of the said parish and of the Committee of the Parochial

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School of the said Close of the Vale, provided always that the Heads of Families of the said Close shall not be liable for any ulterior expenses, either in respect of the building, or of the maintenance of the said school, and also to assist in building an Infant School which has lately been founded in the district of Pleinheäume in the portion of the said parish called "*La Vingtaine de l'Epine*," provided always that the Heads of Families of the said *Vingtaine de l'Epine* shall not be liable for any ulterior expenses, either in respect of the building, or of the maintenance of the said school:—That at the said meeting, the petitioners were appointed a Committee for the purpose of obtaining the sanction of the proper authorities to the enclosure and the sale of the said Common called "*La Commune des Landes et la Rocque au Coucou*," and for the purpose, after such sanction should have been obtained, of making a report to the said Heads of Families and inhabitants of the said parish, in reference to the mode of effecting the proposed sales, and in reference to the steps which it may be proper to take for the purpose of carrying into effect the proposed application of such sales, it being provided that the said Committee should do whatever might be deemed necessary in order to protect the right of the owners of the lands which border the said Common:—That on the 28th July, 1863, the petitioners presented a petition to the Royal Court of Guernsey (copy of which said petition is herewith annexed "A") praying for authority to enclose and sell the said Common, and it was ordered by the Court that the petition should be lodged at the Greffe Office, and that public notice should be given that the Court would take it into consideration on the 25th August following (copy of the Act of the Court is hereunto annexed "B"):—That on the 25th August, 1863, the said petition was taken into consideration by the

Court, and, no one having appeared in opposition to it, the Court came to the conclusion that the enclosing of the said Common would be advantageous, and named three of the Jurats as a Committee to consider the conditions set forth in the said petition and to make a report on the same (copy of the Act of the Court is hereunto annexed "C") :—That the report of the Committee, bearing date 22nd February, 1864, is hereunto annexed, and it will appear from the said Report ("D"), that the Committee, after examining the conditions set forth in the petition, came to the conclusion that the prayer of the petition, as well as all the conditions set forth therein, were such as commanded their approval :—That the said report was taken into consideration by the Royal Court on the 1st day of March, 1864, and that after having heard the report read, and taken the conclusions of Her Majesty's Procureur thereupon, the Court were of opinion to approve of the petition presented by the Petitioners, and to recommend it to the favourable consideration of Your Majesty in Council (copy of the Act of the Court is hereunto annexed "E"). And humbly praying that Your Majesty in Council may be graciously pleased to sanction and authorise the enclosing and the sale of the said Common, called "*La Commune des Landes et la Rocque au Coucou*," by auction and in lots, and the application of the produce of such sales in the manner following, namely :—One Moiety to form a fund for the relief of the poor inhabitants of the said parish of the Vale, and of such inhabitants of the said parish as are not rated at more than ten quarters, the revenue of the said fund to be distributed by a Committee, as is more amply set forth in the petition of 28th July, 1863, hereunto annexed, and the other Moiety to build, or assist in building, in the Close of the Vale, two Infant Schools, such schools to be under the superintendence of the

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Rector of the said parish and of the Committee of the Parochial School of the said Close of the Vale, and also to assist in building an Infant School, lately founded in the district of Pleinheume, in the portion of the said parish called the Vingtaine de l'Epine; the whole subject to the conditions set forth in the aforementioned petition of the 28th July, 1863.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to comply with the prayer of the said Petition.”

HER MAJESTY having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and to sanction and authorise the enclosing and the sale of the Common, called “*La Commune des Landes et la Rocque au Coucou*,” by auction and in lots. And Her Majesty doth also hereby authorise the application of the produce of such sales in the manner following, namely:—One Moiety to form a fund for the relief of the poor inhabitants of the parish of the Vale, in the island of Guernsey, and of such inhabitants of the said parish as are not rated at more than ten quarters, the revenue of the said fund to be distributed by a Committee, as is more amply set forth in the copy of the petition hereunto annexed, marked “A,” and dated 28th July, 1863, and the other Moiety to build, or assist in building, in the Close of the Vale, two Infant Schools, such schools to be under the superintendence of the Rector of the said parish and of the Committee of the Parochial School of the said Close of the Vale, and also to assist in building an Infant School, lately founded in the district of Pleinheume, in the portion of the said parish called

the Vingtaine de l'Epine, the whole subject to the conditions set forth in the aforementioned petition of the 28th July, 1863, marked "A" in the Schedule hereunto annexed.

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And the Lieutenant-Governor of the Island of Guernsey, the Bailiff and Jurats of the Royal Court, and all other persons whom it may concern, are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

ARTHUR HELPS.

SCHEDULE above referred to :—

" A "

A Monsieur le Baillif ou Monsieur son Lieutenant et Messieurs les Jurés de la Cour Royale de cette Isle de Guernesey,

L'humble requête du Révérend Thomas Bell, Recteur de la Paroisse du Valle, de Mons. William Allez, Procureur des Pauvres de la dite Paroisse, du Révérend Pierre Stephens Dobrée, et de Messieurs Ezéchiel Robin, Richard Mahy, Pierre Mollet, Thomas Henry Flère, Jean Mahy, Daniel Mahy, Daniel Le Maitre, et Henri Hubert, Comité nommé le 20 Mai 1863, à une assemblée des Chefs de Famille de la dite Paroisse, des pauvres habitants de la dite Paroisse, et des habitants resséants dans le Clos du Valle, pour prendre les mesures nécessaires afin d'obtenir la sanction des autorités Supérieures à la clôture et au bail à rente, de la Commune des Landes et la Rocque au Coucou située en la dite Paroisse du Valle.

Remontre :—Qu'il existe dans la Paroisse du Valle certains terrains, hors du Perchage, et ci-devant dits "Terres vastes et Vacantes," lesquels furent concédés par la Couronne en 1582, à Stephen Harrington, sujet au droit de pâturage des habitants du Clos du Valle, lequel droit est narré comme suit dans le Contrat d'acquêt du dit Harrington—"excepté que le dit Harrington ni ses hoirs n'empêcheront à l'avenir

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aucuns des habitants resséants dans le dit Clos du Valle mettre leurs grandes bêtes et bêtes à laine pâturer en toutes saisons sur les dites Terres vacantes." Que parmi ces terrains se trouve une Commune, dite La Commune des Landes et la Rocque au Coucou, contenant ensemble trente six vergées, lesquels furent baillés à rente le 4 Mars 1789, par Monsieur Thomas Dobrée (lequel était au droit de Harrington), à Thomas Falla et N. Le Patourel, autorisés des Chefs de Famille de la Paroisse du Valle, présens et acceptant pour et au nom des pauvres habitants de la dite Paroisse. Que le pâturage sur cette Commune est d'une valeur minime et ne profite qu'aux personnes dont les propriétés la bordent. Que les pauvres habitants ne retirent aucun avantage quelconque de la dite Commune, excepté quelque tas de fougère. Que les Chefs de Famille de la dite paroisse sont mis à certaines dépenses annuelles pour la dite Commune, savoir,

Equivalent	1	7	10
Rentes	0	10	0
Réparations des Rues (environ)	1	0	0

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Qu' aussitôt après la prise à rente de 1789, les autorisés des Chefs de Famille de la dite paroisse essayèrent d'enclorre la Commune, mais sur l'opposition de certains habitants, la Cour, par Jugement du 16 Novembre 1790, ordonna la démolition des fossés qu'on avait commencé d'y ériger. Que le 23 Octobre 1819, sur la représentation faite à la Cour du grand avantage qui résulterait à la Paroisse du Valle du partage, ou de la Clôture des Communes et Landes qui lui appartiennent, en tout ou en partie, tant par la culture dont elles sont susceptibles, que pour prévenir le tort et dommage aux propriétés particulières que leur cause le bétail qu'on envoie paître sur les dites Communes et Landes, et qui en sortent par les rues pour se

répandre de tous côtés, la Cour nomma un Comité pour consulter le vœu général de la paroisse. Que le 30 Avril 1823, la Cour fit droit sur le rapport du Comité; mais en conséquence de l'opposition de certains habitants, et malgré le vœu presque unanime des paroissiens, le bail à rente des Communes des Landes, de la Pierre à Coucou et autres, ne fut pas autorisé. Que dans l'année 1839, les habitants du Clos du Valle délibérèrent qu'il serait à propos de clore les Communes de l'Ancrese, et s'adressèrent à la Cour pour cet effet, et que le 19 Octobre 1839, la Cour nomma un Comité pour s'aboucher avec le Comité des dits habitants. Que dans le rapport du Comité de la Cour se trouve le passage suivant :—“ Il y a dans le Clos du Valle une autre Commune connue sous le nom des Landes, qui mesure 36 vergées 6 perches de terre ou environ, sur laquelle les habitants de la Vingtaine de l'Epine réclament certains droits et privilèges qui leur sont contestés par les habitants du Clos. Cette Commune n'est point comprise dans l'acte de notre autorité, cependant, comme il serait avantageux de Clore et d'utiliser ce terrain, aussi bien que les autres Communes de cette paroisse, et les habitants, tant du Clos que la Vingtaine, ayant à une assemblée générale, tenue le 18 Septembre 1839, consenti à la Clôture et vente de la dite Commune, et nommé des autorisés pour représenter leurs intérêts respectifs, lesquels autorisés furent chargés de s'en remettre à la Cour Royale pour décider sur les réclamations respectives des parties sur le produit de la vente de la dite Commune des Landes, votre Comité recommande la vente et la clôture de cette Commune, réservant les parties entières dans tous leurs droits et prétentions sur le produit de la dite vente, et si la Cour est de cet avis, il lui plaira autoriser son Comité à cet effet.”—Que le 20 Mai 1863, à la requête du Recteur de la dite paroisse, des Curateurs du Trésor de l'Eglise de la dite

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paroisse, des Connétables et Douzeniers de la dite paroisse, du Procureur des Pauvres de la dite paroisse, de quelques pauvres habitants de la dite paroisse, et de quelques habitants resséants dans le Clos du Valle, une assemblée des Chefs de Famille de cette paroisse, des pauvres habitants de la dite paroisse, et des habitants resséants dans le dit Clos, fut tenue dans la dite Eglise, laquelle assemblée délibéra et décida.—1° D'enclorre et de bailler à rente au plus offrant en loties, qui n'excéderaient pas deux vergées chacune, la dite Commune des Landes et la dite Rocque au Coucou.—2° Que le produit des dits Baux à rente serait appliqué de la manière suivante, savoir ;—Une moitié pour former un fonds, dont le revenu annuel sera employé au soulagement, dans des cas de maladie, d'accidents, ou de pertes des habitants pauvres de la dite paroisse ou autres habitants d'icelle, qui ne seront portés à la taxe à plus de dix quartiers, lequel revenu sera distribué annuellement par un Comité, qui sera composé du Recteur de la Paroisse et du Procureur des Pauvres en vertu de leurs charges, et de sept Chefs de Famille de la dite paroisse, les dits sept derniers membres devant être élus membres du dit Comité par les Chefs de Famille de la dite paroisse ; et l'autre moitié pour bâtir ou aider à bâtir dans le dit Clos, deux Ecoles pour les petits enfants, lesquelles Ecoles seront sous la surveillance du Recteur de la dite paroisse et des autorisés de l'école paroissiale du dit Clos ; bien entendu que les Chefs de Famille du dit Clos ne seront pas mis à des frais ultérieurs pour la bâtisse, ni pour le maintien des dites Ecoles, et que la partie de la dite moitié qui viendrait à la Vingtaine de l'Epine serait appliquée pour aider à la bâtisse d'une Ecole pour les petits enfants, qui a été dernièrement fondée en la Contrée de Pleinheume en la dite Vingtaine de l'Epine, bien entendu que les Chefs de Famille de la dite Vingtaine de l'Epine ne seront pas mis à des frais

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ultérieurs pour la bâtisse ni pour le maintien de la dite Ecole. Et qu'à la dite assemblée vos remontrants furent nommés pour Comité chargé de prendre les mesures nécessaires, afin d'obtenir la sanction des autorités supérieures, à la Clôture et au bail à rente de la dite Commune des Landes et de la dite Rocque au Coucou; et après avoir obtenu la dite sanction, de faire un rapport aux dits Chefs de Famille, et aux habitants de la dite paroisse, tant sur la dite manière de procéder aux Baux à rente ci dessus proposés, que sur les mesures qu'il conviendrait d'adopter afin de porter à exécution l'application proposée du produit des dits baux à rente, bien entendu que le dit Comité prendra des mesures pour protéger les droits de ceux dont les terrains bordent la dite Commune et la dite Rocque au Coucou:—Les prémisses considérées vos remontrants très humblement supplient votre Cour Royale de sanctionner et autoriser la Clôture et le bail à rente au plus offrant, en loties qui n'excéderont pas deux vergées chacune, de la Commune des Landes et la Rocque au Coucou, situées en la paroisse du Valle, et l'application du net produit des dits baux à rente de la manière ci-dessus indiquée ou de telle autre manière qu'il plaira à votre Cour Royale ordonner.

Et ils seront tenus de prier :—

Guernesey, ce 24 Juillet 1863.

THOMAS BELL, Recteur du Valle.

WILLIAM ALLEZ, Procureur des Pauvres.

PETER STEPHENS DOBRÉE.

EZECHIEL ROBIN.

RICHARD MAHY.

PIERRE MOLLET.

THOMAS H. FLÈRE.

JEAN MAHY.

DANIEL MAHY.

DANIEL LE MAÎTRE.

HENRI HUBERT.

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" B "

Le 28 Juillet 1863, devant P. Stafford Carey, Ecr., Baillif; présents :—H.-O. Carré, Thomas Le Retilley, J.-T. De Sausmarez, Sausmarez Carey, Jean Le Mottée, Jean-Lukis Mansell, Jean De Garis et Jean Moullin, Ecuyers, Jurés ;—

Une requête ayant été ce jour présentée de la part du Révérend Thomas Bell, Recteur de la Paroisse du Valle, et autres, formant un Comité nommé le 20 Mai 1863, à une assemblée des Chefs de Famille de la dite paroisse, des pauvres habitants de la dite paroisse et des habitants resséants dans le Clos du Valle, pour prendre les mesures nécessaires afin d'obtenir la sanction des autorités supérieures à la Clôture, et au bail à rente de la Commune des Landes et la Rocque au Coucou, située en la dite paroisse du Valle; La Cour, après lecture de la dite requête, a ordonné qu'elle sera logée au Greffe et publiée dans la partie officielle de la *Gazette Française*, et prise en considération le 25 Août prochain.

" C "

Le 25 Août 1863, devant Pierre Stafford Carey, Ecr., Baillif; présents :—H.-O. Carré, Thomas Le Retilley, W.-P. Metivier, J.-T. de Sausmarez, Sausmarez Carey, Jean Le Mottée, Jean De Garis et Jean Moullin, Écres., Jurés.

La Cour, ayant ce jour pris en considération la requête du Révérend Thomas Bell et autres, par rapport à la Clôture de la Commune des Landes et de la Rocque au Coucou, et ce aux fins d'acte du 28 Juillet 1863, et ayant été d'avis qu'il serait à propos de procéder à la Clôture de la dite Commune et de la dite Rocque au Coucou, a nommé Hilary-O. Carré, Thomas Le Retilley et W.-P. Métivier, Écres., Jurés, un Comité pour considérer les conditions portées à la dite requête, avec autorité de s'aboucher à ce sujet avec les remontrants, et en faire rapport à la Cour, et est après qu'il ne s'est présenté aucun opposant.

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A Messire P.-Stafford Carey, Chevalier, Baillif de l'Isle de Guernesey.

MONSIEUR,

En nous conformant à l'acte de la Cour Royale du 25 Août 1863, nous avons considéré les conditions portées dans la requête présentée à la Cour, ayant pour objet la Clôture de la Commune des Landes et la Rocque au Coucou, et avant de former notre opinion nous sommes abouchés avec un sous Comité nommé par les remontrants, dont nous avons reçu des renseignements sur les points qui nous ont paru les plus essentiels.

Il est à propos de remarquer, en premier lieu, que les conditions opposées à la Clôture de la Commune selon les termes de la requête sont le résultat d'une délibération d'une assemblée, composée des Chefs de Famille de la paroisse du Valle, des pauvres habitants de la dite paroisse, et des habitants resséants dans le Clos du Valle. Cette délibération a donc plutôt le caractère d'une convention entre certaines parties distinctes et séparées, qui ne se remontent que par ce qu'elles ont tous un intérêt dans le même objet,—intérêt qui en pratique n'est pas identique pour chacune d'elles,—que d'une délibération d'un corps public simple et unique par sa constitution même, tel qu'une assemblée de paroisse.

On conçoit que dans le cas d'une assemblée composée d'éléments si divers que l'est celle dont l'opinion est représentée dans la requête devant la Cour, ce n'est pas sans difficulté, surtout quand le but est de la nature de celui dont il s'agit actuellement, qu'on parvienne à concilier les vues différentes des parties intéressées, et à les faire tomber d'accord sur une même proposition. C'est pourquoi lorsque certaines mesures ont obtenu l'assentiment général d'une assemblée pareille, l'autorité ne doit pas y refuser sa

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sanction, sinon pour de graves considérations d'intérêt public, encore moins dans un cas comme celui-ci où il ne s'est présenté personne pour faire valoir une objection quelconque aux mesures proposées.

C'est avec cette pensée en vue que nous allons considérer les conditions mentionnées dans la requête.

La première condition qui règle la manière de procéder à la vente du terrain n'a rien qui nous parait exiger d'observation de notre part.

La deuxième condition qui regarde l'emploi du produit de la vente contient deux clauses principales.

Il est d'abord stipulé que la moitié du produit sera employée à former un fonds destiné au soulagement dans des cas de maladie, d'accidents, ou de pertes des habitants pauvres de la dite paroisse et autres habitants d'icelle, qui ne seront pas portés à la taxe à plus de dix quartiers.

L'application de la moitié du produit à un objet charitable de cette nature, nous semble parfaitement légitime, et nous ne trouvons rien à redire à la constitution du Comité, qu'on propose charger de la distribution de la charité, comme il le serait du Recteur, du Procureur des Pauvres, et de sept Chefs de Famille nommés par la paroisse.

Par rapport à l'application de l'autre moitié du produit de la vente des Communes nous aurons à considérer plus au long les termes de la requête.

Il est conditionné que la proportion de cette moitié qui reviendrait au Clos du Valle, serait employée à bâtir, ou à aider à bâtir deux Ecoles pour les petits enfants dans ce district, et la proportion qui reviendrait à la Vingtaine de l'Épine, à aider à la bâtisse d'une école de la même espèce, qui a été dernièrement fondée dans la Contrée de Pleinheume; en même temps il est expressément stipulé que les Chefs de Famille, ni du Clos du Valle, ni de la Vingtaine de

l'Epine, ne seront mis à aucuns frais ultérieurs, soit pour la bâtisse, soit pour le maintien de ces écoles.

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Nous conviendrons que la fondation d'Ecoles pour les petits enfants serait aussi un emploi parfaitement légitime de partie du produit de la vente des Communes, mais il est à propos d'examiner si c'est un objet qui peut convenablement se réaliser sous les conditions spécifiées.

D'après les informations que nous avons reçues, il paraît probable que le Clos du Valle recevrait pour sa proportion de la seconde moitié du produit des Communes, une somme de £300 à £350, et il y a tout lieu de croire que, si ce montant ne suffisait pas pour la bâtisse des écoles que les habitants du Clos ont en vue, ils trouveraient entre eux les moyens de lever le reste sans difficulté.

Quant à l'école proposée pour la Vingtaine de l'Epine, nous avons appris, qu'avant qu'il fut question de la vente des Communes, les habitants de cette section de la paroisse, avaient déjà trouvé moyen de ramasser environ £250, dans la vue de construire un edifice pour servir à la fois à l'usage d'une École du Dimanche et d'une Ecole pour les petits Enfants, et que le terrain qui doit en former l'emplacement est déjà acheté. Il est certain qu'avec la part qui leur reviendra du produit des Communes, ils auront des fonds plus que suffisants pour la construction de leur école.

Mais la construction des édifices n'est pas tout :— il en coûterait encore annuellement une certaine somme pour maintenir les écoles en activité.

La dépense annuelle a été estimée pour chaque école à £20 par an, dont £12 pour le salaire de la maîtresse, et £8 pour chauffage et autres frais.

Partie de cette dépense serait défrayée par l'écolage. On compte sur 40 enfants dans chaque école, qui, à 1½ d. chacun pour le moins par semaine, payerait environ

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£12 par an. Resterait encore un déficit de £8 par an, qu'il faudrait lever par autre voie.

Après les édifices bâtis, et les autres dépenses nécessaires pour l'établissement des écoles acquittées, il est probable que celles du Clos du Valle resteraient absolument dénuées de fonds, en sorte que pour faire face à leur déficit annuel, elles auraient à dépendre entièrement de charités particulières.

L'École de la Vingtaine de l'Epine serait dans une meilleur position.

Il lui resterait un surplus de £100, peut être même de £150, qui pourrait être employé à créer un revenu permanent applicable au maintien de l'école. Il est vrai qu'il ne suffirait pas pour combler tout à fait le déficit, en sorte que cette école aussi aurait à dépendre en partie de la bienveillance publique.

Sous de pareilles circonstances, voici donc la question qui se présente à la considération de la Cour Royale ;—Convierait-il, sans une garantie plus certaine de la permanence de ces institutions, de sanctionner l'application proposée du produit de la vente d'une propriété publique, qui dans son état actuel est elle même permanente de sa nature.

Tout considéré, nous sommes venus à la conclusion, que s'il y a défaut de garantie positive et matérielle, il y a du moins une garantie, morale, qui approche de la certitude, qu'une fois les édifices bâtis et les écoles établies elles seraient sûres de se maintenir en permanence, parce qu'elles pourraient compter sur l'appui de toutes les classes de la société.

L'utilité d'écoles de cette espèce est de plus en plus appréciée tous les jours. Dans les paroisses où elles existent déjà, même les personnes les plus pauvres commencent à s'apercevoir que la seule garde de leurs enfants, les soins qu'ils y reçoivent, leur valent bien au delà de l'écolage qui leur en coûte, tandis que les personnes moyennées, quoiqu'elles n'aient pas le même

intérêt individuel que les pauvres à de pareilles institutions, sont portées par des motifs de bienfaisance, ainsi que d'intérêt public à leur prêter des secours gratuits. Les assurances que nous avons reçues à cet égard de Monsieur Bell et des autres Membres du Comité avec lesquels nous nous sommes abouchés, nous laissent peu de raison de douter que les contributions volontaires ne suffisent pour combler le déficit annuel. Mais quand même elles ne suffiraient pas, il paraît certain qu'on pourrait, sans trop gêner les pauvres, hausser l'écolage au point nécessaire pour faire face à l'entier de la dépense annuelle.

En définitif, nous sommes venus à la conclusion de recommander à la Cour d'approuver la requête avec toutes ses conditions.

Si la Cour se range à notre opinion, elle rédigera l'acte qu'elle jugera convenable, après quoi les parties auront à s'adresser en dernier lieu à Sa Très-Excellente Majesté en Conseil, qui seule a l'autorité d'accorder définitivement les fins de la requête, et d'en sanctionner l'exécution.

Guernesey, le 22 Février 1864.

HILARY-O. CARRÉ.
THOS. LE RETILLEY.
W.-P. METIVIER.

“ E ”

Le Premier Mars Mil Huit Cent Soixante Quatre, par devant Messire P.-Stafford Carey, Chevalier, Baillif; présents :—H.-O. Carré, Thomas Le Retilley, Edgar MacCulloch, W.-P. Métivier, Jean Le Motté, A.-S. Collings, Henry Tupper, Jean-L. Mansell, Jean De Garis et Jean Moullin, Écuyers, Jurés :—

Le Comité, nommé aux fins d'acte du 25 Août 1863 pour considérer la requête présentée le dit jour à la Cour au sujet de la Clôture de la Commune des Landes et de la Rocque au Coucou, ayant ce jour présenté leur rapport; la Cour, après avoir eu lecture

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du dit rapport, ouïes les conclusions du Procureur de la Reine, a été d'avis de faire enregistrer ledit rapport dans le livre des requêtes. Et a la Cour de plus été d'avis d'approuver les fins de la dite requête, et de la recommander à la considération favorable de Sa Majesté en son Conseil, afin qu'elle en ordonne.

Extrait des Regîtres de l'Isle de Guernesey.

(Signé) CHAS. LEFEBVRE, Greffier de la Reine.

(Enregistré sur les Records le 6 Août 1864).

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT
the 28th day of July, 1864

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

Constitution
des États.
Articles Sup-
plémentaires à
la Loi de 1844.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of July, 1864, in the words following, viz:—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth:—That in Your Majesty's Island of Guernsey, until about twenty years ago, the initiative of all measures brought before the States was vested exclusively in the Bailiff, by virtue of his office, as minister of the Crown:—That by a Law sanctioned by the Order of Your Majesty in Council, of the 13th day of December, 1844, it was, among other things, provided that on receiving a Requête in writing, signed by the majority of any one of the three bodies constituting the States, or by any ten members of the States of Deliberation, the Bailiff, as president, should be bound to call the

States together for the purpose set forth in such Requête:—That the course so prescribed by the law above-mentioned having been found inconvenient in many respects, the States, at an Assembly holden before the Bailiff on the 11th day of April, 1864, adopted, subject to Your Majesty's sanction, a *Projet de Loi*, as set forth in the schedule hereunto annexed, containing two additional articles, to be deemed to form part of the said law of 1844. And humbly praying that Your Majesty would be graciously pleased to sanction the said *Projet*, and to declare Your Royal Will and Pleasure that the same shall henceforth have the force of Law, and that the two articles therein contained shall be deemed to form part of the law of 1844 to regulate the constitution of the States.

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“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken into their consideration the said Petition, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall have the force of Law, and that the two articles therein contained shall be deemed to form part of the law of 1844, to regulate the constitution of the States of the said Island of Guernsey.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of Law in the said Island, and that the two articles therein contained shall be deemed to form part of the law of 1844, to regulate the constitution of the States.

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And Her Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the said Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

EDMUND HARRISON.

PROJET DE LOI to which reference is made in the foregoing Order :—

LOI QUI CONTIENT DEUX ARTICLES SUPPLÉMENTAIRES À LA LOI DE 1844 QUI RÉGLE LA CONSTITUTION DES ÉTATS.

1.—Sur une demande par écrit signée de deux membres des États (n'étant pas tous deux membres d'une même Douzaine), ladite demande contenant une proposition pour être mise devant les États, avec tels éclaircissements que lesdits membres jugeront à propos d'y annexer pour en expliquer l'objet, Monsieur le Président sera tenu de mettre lesdites pièces devant les États dans l'intervalle de deux mois, et si lesdits États sont d'avis d'entretenir ladite proposition, elle sera soumise à leur délibération avant l'expiration d'un mois.

2.—Dans les États de Délibération tout membre pourra faire des interpellations sur toute matière d'État, soit au Supérieur de la Chaussée, soit au Président d'un Comité d'État, pourvu toutefois qu'il ait donné, trois jours au moins avant l'assemblée, à celui auquel il se propose d'adresser l'interpellation, connaissance par écrit, de la nature de telle interpellation, bien entendu qu'une interpellation n'entraînera point de discussion.

(Enregistré sur les Records le 19 Novembre 1864).

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AT THE COURT AT WINDSOR

the 1st day of November 1864

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of October, 1864, in the words following, viz :—

Rachat de
Rentes au-des-
sous de Deux
Quartiers.

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the humble petition of Sir Peter Stafford Carey, Knight, Bailiff of the Island of Guernsey, setting forth :—That within Your Majesty’s Island of Guernsey landed property is much encumbered with Rentes charged upon the same in perpetuity :—That many of the Rentes so charged are of very small amount, being payable, some in money, some in corn or other agricultural produce :—That these small Rentes are a burthen upon the property far beyond their actual value :—That in order to remedy the inconvenience the Royal Court, in the year 1857, adopted as a temporary measure a *Projet de Loi* to authorise the redemption of rentes under the value of one quarter, which *Projet*, after having been approved by the States, was sanctioned by Your Majesty’s Order in Council of the 2nd day of February, 1859 :—That the temporary law so sanctioned by Your Majesty having been registered on the 15th day of February, 1859, expired on the 14th of February, 1864 :—That at the Chief Pleas after Christmas, holden on the 18th day of January, 1864, the Royal Court, with a view to renew the provisions of the said law, then about to expire, and at the same time to extend the operation of it to all rentes under the value

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of two quarters, adopted a *Projet de Loi* intituled "*Loi qui déclare rachetables les Rentes au-dessous de deux quartiers,*" in order that, if approved by the States, the same might be submitted to Your Majesty's gracious consideration:—That at a meeting of the States holden before Your Petitioner on the 20th day of September, 1864, the said *Projet de Loi* was by the said States approved in the form set out in the schedule hereunto annexed. And humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the *Projet de Loi* so set out in the schedule as aforesaid, intituled "*Loi qui déclare rachetables les rentes au-dessous de deux quartiers,*" and to declare Your Royal Will and Pleasure that the same shall have the force of law within the bailiwick of the Island of Guernsey.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken into their consideration the said Petition, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the same shall have the force of law within the bailiwick of the Island of Guernsey."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the bailiwick of the Island of Guernsey. And Her Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all

other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

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ARTHUR HELPS.

PROJET DE LOI to which reference is made in the foregoing Order :—

LOI QUI DÉCLARE RACHETABLES LES RENTES
AU-DESSOUS DE DEUX QUARTIERS.

1.—Les rentes payables en froment au-dessous de deux quartiers, ainsi que les rentes payables en argent ou autre forme de redevance, dont le revenu annuel est au-dessous de Vingt-huit Livres tournois, seront désormais rachetables comme suit, savoir :—Celles au-dessous d'un quartier ou de quatorze livres tournois sur le pied de trois cent trente-six livres tournois, et celles d'un quartier ou de quatorze livres tournois ou au-delà, sur le pied de trois cent cinquante livres tournois par quartier de froment, ou par quatorze livres tournois ; et dans l'un et l'autre cas avec la partie de l'année échue lors de l'acquêt.

2.—Le couple de chapons est estimé à un boisseau de froment.

Le couple de poules est estimé à quatre deners.

Le canard est estimé à deux deners.

Une anguille est estimée à un quint.

Un pain est estimé à un quint.

3.—La présente loi ne s'applique pas aux rentes et redevances seigneuriales, ni à celles qui appartiennent à des femmes couvertes de mari, ou à des mineurs.

4.—Les rachats faits en vertu de la présente loi seront sans préjudice des droits des usufruitiers, s'il y en a, et si une rente appartenant à un homme marié est rachetée en vertu de la présente loi, la femme du vendeur conservera sa garantie pour son douaire sur la rente ainsi rachetée.

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5.—Cette loi ne s'applique pas aux rentes créées après le 28 Mars 1863, date de l'enregistrement de l'Ordre en Conseil sanctionnant la loi intitulée "*Loi qui déclare rachetables les petites rentes créées à l'avenir.*"

(Enregistré sur les Records le 24 Avril 1865).

AT THE COURT AT WINDSOR
the 31st day of March 1865

PRESENT.

THE QUEEN'S MOST EXCELLENT MAJESTY
LORD PRESIDENT, &c.

Traité de Com-
merce avec
la France.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th day of March, 1865, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey setting forth :—That in compliance with a letter from the Right Honourable the Secretary of State, dated the 8th day of November, 1864, intimation was in due course given to Your Petitioners that it was requisite that a *Projet de Loi* in the usual form should be passed by them for extending to the Island of Guernsey the provisions of the Commercial Treaty with France :—That by Order in Council of the 5th day of November, 1864, Your Majesty was graciously pleased, by and with the advice of Your Most Honourable Privy Council, to ratify a certain Act before then passed for the like purpose by the States of the Island of Jersey :—That all the articles of the said act except one are taken up with provisions respecting the introduction of Cattle and other French Produce into the Island of Jersey, which provisions were rendered

necessary by the regulations till then in force within the said Island:—That the first Article of the said Act of the States of Jersey, so ratified by Your Majesty as aforesaid, being the only one in any way applicable to the Island of Guernsey, has been adopted in terms by Your Petitioners, and that at an Assembly holden before the Bailiff on the 27th day of January, in the present year 1865, a *Projet de Loi* was passed by them, as set out in the Schedule thereunto annexed, embodying the said article, together with so much of the Preamble as has reference thereto. And humbly praying that Your Majesty would be graciously pleased to approve and ratify the said *Projet de Loi*, as containing the conditions on which the provisions of the Commercial Treaty with France are to be extended to the Island of Guernsey.

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“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken into their consideration the said Petition, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, as containing the conditions on which the provisions of the Commercial Treaty with France are extended to the Island of Guernsey, and to order that the same shall have the force of Law within the Bailiwick of the said Island.”

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of the Island of Guernsey. And Her Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the Island

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of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

ARTHUR HELPS.

PROJET DE LOI to which reference is made in the foregoing Order :—

PROJET DE LOI

ADOPTÉ PAR LES ÉTATS DE L'ISLE DE GUERNESEY DANS L'ASSEMBLÉE DU 27 JANVIER 1865.

Considérant qu'il est de l'intérêt du commerce que cette île soit comprise dans les Traités conclus et signés entre le Royaume Uni et la France, les États ont décidé, moyennant la sanction de sa Très Excellente Majesté en Conseil, d'adopter la Loi suivante, pour avoir force de loi aussi longtemps que cette île participera aux avantages du Traité de Commerce.

Les États ont décidé de ne point mettre aucun Impôt sur les Vins et les Spiritueux de France plus élevé que sur ceux les moins imposés d'aucun pays étranger, et même que sur les Vins et Spiritueux venant d'Angleterre, ou du crû de Jersey, et que ces impôts ne seront jamais plus élevés que ceux perçus sur les vins et spiritueux de France dans le Royaume Uni, étant bien entendu que le Tabac ne sera pas considéré comme un produit français dans le sens du Traité de Commerce relativement aux îles de la Manche.

Le 13 Mai 1865, pardevant Messire P.-Stafford Carey, Chevalier, Baillif: présents, etc.

Lecture ayant été donnée d'une lettre adressée par Monsieur le Sous-Secrétaire d'Etat à Monsieur le Lieutenant-Gouverneur, notifiant à Son Excellence que les Seigneurs du Conseil étaient d'avis

que les représentations faites par le Comité des Chefs de Famille de la ville et paroisse de Saint Pierre-Port ne contenaient pas de motifs suffisants pour autoriser la suspension de l'Ordre de Sa Majesté en Conseil au sujet de la Chapelle de Saint Etienne :—Sur l'opposition faite à l'enregistrement dudit Ordre par Messieurs H.-R. Sheppard, Pierre Roussel, Jean-T. Gallienne, De-Beauvoir De Lisle, Jean-C. Le Mottée, Pierre De Beauby et Etienne Martin, Comité nommé par les Chefs de Famille de la paroisse de Saint Pierre-Port à une assemblée tenue le 2 Mai 1865, soutenant que ledit Ordre est illégal et inconstitutionnel, empiétant sur les privilèges, lois et coutumes de cette île, et affectant les droits de ladite paroisse: LA COUR, en ordonnant l'enregistrement dudit Ordre, a réservé, tant auxdits Chefs de Famille qu'à quiconque pourrait se croire lésé par ledit Ordre, la faculté de faire à sa Très Excellente Majesté la Reine en Son Conseil, telles humbles représentations que de raison à l'égard des dispositions dudit Ordre, duquel Ordre la teneur suit :—

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AT THE COURT AT WINDSOR

the 9th day of March 1865

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 8th day of March, 1865, in the words following, namely :—

Eglise
St. Etienne.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of John Le Mottée, Esquire, President of a Committee appointed by the subscribers for the erection of a new Church or Chapel within the parish of St. Peter-Port, in the Island of Guernsey; of Edgar MacCulloch, Esquire, and the Reverend William Thomas Collings, Clerk, Secretaries of the said Committee; and of Charles Le Mesurier Carey, Esquire, Treasurer of the said Committee, for and on behalf of the said subscribers; and also of the Very Reverend William Guille, Clerk, Dean of the said Island of Guernsey and Rector of the said parish of St. Peter-Port, setting forth :—That the population of the original parish of

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St. Peter-Port in the said Island of Guernsey exceeds 16,000 souls:—That within the said parish two districts for ecclesiastical purposes have of late years been created, that of St. John the Evangelist and that of the Holy Trinity, each provided with a church, thereby reducing the population of the present parish to 11,000 souls or thereabouts:—That in addition to the church of the present parish, there also exist within the said parish a private chapel, now called All Saints, sanctioned by an Order in Council of the 24th February, 1796, and a proprietary church called St. James the Minor, sanctioned by an Order in Council of the 3rd August, 1816, in both of which Divine Service is performed according to the rites and ceremonies of the Church of England:—That the maximum number of sittings in the above named places of worship is estimated as follows:—

	In Pews.	Free.	Total.
Parish Church.....	900	300	1,200
St. James'	900	400	1,300
All Saints	200	100	300
	<u>2,000</u>	<u>800</u>	<u>2,800</u>

Thus affording church accommodation for about one-fourth only of the population of the present parish:—That inasmuch as the church accommodation in the said parish as shewn by the preceding figures is greatly insufficient, and that to the poor in particular, as a class, the doors of the Established Church are practically closed, an appeal was made in the year 1860 to the liberality of the public, and the result was that a Committee was named to raise subscriptions for the purpose of erecting a new Church or Chapel, in connection with the Parish Church, in a suitable part of the parish:—That a free gift has been made to the Committee of a site for the proposed new Church, as also of a site for a future Parsonage House, and of a

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piece of land adjoining thereto destined for a plantation, the whole situate at Les Rocquettes, in the said parish of St. Peter-Port :—That the population has of late years greatly increased in that portion of the said parish, and the distance therefrom to the Parish Church is more than a mile :—That the Committee appointed to raise subscriptions and erect the said proposed Church or Chapel, are on the point of completing their labours, the said Church or Chapel having been erected upon the aforesaid site at a cost of £5,000 :—That the said Church or Chapel which it is proposed henceforward to style St. Stephen's Chapel, will afford accommodation for 750 persons, whereof it is intended that 450 shall be free sittings, and that upon the remaining 300 pew rents shall be receivable :—That the above site was conveyed by the donors unto the said Committee for the purpose of a Church or Chapel being erected thereon, and upon condition that the same when completed should be conveyed to and vested in the Rector for the time being of the said parish of St. Peter-Port, or other ecclesiastical authority, with a view to its subsequent consecration, upon such terms and conditions as the said Committee might deem expedient :—That the Petitioners beg humbly to represent to Your Majesty that it is now considered advisable that the said Chapel of St. Stephen should be a Chapel annexed to the Parish Church of St. Peter-Port aforesaid (the patronage of the benefice of which Parish Church belongs to Your Majesty), without having a district attached to it, but with pew rents receivable for the use and benefit of the Rector for the time being of the said parish, and that in consideration thereof such Rector should be alone responsible for the stipend of the Curate whom he shall appoint to serve the said Chapel, and should further be alone responsible for the repairs of the said Chapel, and other expenses incident to the perform-

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ance of Divine Service therein:—That with a view to the above it is now proposed that the Committee of the said Chapel should convey the same, together with the whole of the land which has been so conveyed to the said Committee as aforesaid, unto the Petitioner the said William Guille, in his capacity of Rector of the said parish of St. Peter-Port, to be held by him and his successors, Rectors of the said parish, as a Chapel annexed to the Church of the said parish upon the terms hereinbefore mentioned:—That the Petitioner, the said William Guille, is prepared to accept the conveyance of the said Chapel and land, so far as he is concerned, upon the said terms, feeling assured that the said Chapel, whilst affording accommodation for the poor by means of the 450 proposed free sittings, and also to the residents in the said neighbourhood generally, will at the same time prove a benefit to the Rector of the said parish, inasmuch as the pew rents, which it is proposed that such Rector should be entitled to, will amply suffice for the stipend of a Curate and for the repairs and other necessary expenses of the said Chapel:—That the course which it is now proposed to follow has been communicated to the Lord Bishop of Winchester, the Bishop of the Diocese, and that His Lordship has signified his readiness to consecrate the said Chapel, when the conveyance of the aforesaid premises shall have been made, under and by virtue of Your Majesty's authority, unto the said William Guille, for himself and successors upon the terms aforestated. And humbly praying that Your Majesty would be graciously pleased to authorise the Petitioner, the said William Guille, in his capacity of Rector of the parish of St. Peter-Port;—1.—To appear before the Royal Court of the said Island of Guernsey and accept, for himself as Rector aforesaid, and his successors, Rectors of the said parish in perpetuity of the said Committee,

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the conveyance of the said Chapel of St. Stephen, together with the whole of the land which has been conveyed to the said Committee, for the erection of the said Chapel for a future Parsonage House and for the purpose of a Plantation. 2.—To render the Rector of the said parish of St. Peter-Port, for the time being, liable as well for the repairs of the said Chapel of St. Stephen (until an adequate Repair Fund shall have been provided), as for the stipend of the Curate who shall serve the said Chapel (such Curate to be appointed from time to time by the Rector for the time being of the said parish), and for other expenses incident to the performance of Divine Service in the said Chapel. And the Petitioners further humbly prayed that Your Majesty would be graciously pleased to authorise the appointment from time to time of two fit and proper persons to act as Churchwardens for the said Chapel, with the powers and duties incident to such office according to law, such Churchwardens to be chosen, one by the Rector of the said Parish for the time being, and the other by the renters of sittings in the said Chapel, and when so elected to be admitted and sworn in the customary manner. 3.—To empower the said Churchwardens to let 300 out of the 750 sittings, which the said Chapel of St. Stephen contains, according to a scale to be fixed by the Rector of the said parish and to be approved of by the Bishop of the Diocese, which scale may be altered from time to time, with the consent of the said Bishop, as occasion may require, which said rents the said Churchwardens shall collect and receive and pay over to the Rector of the said parish for the time being, and to authorise and empower the said persons, so chosen Churchwardens, from time to time, in case of the non-payment of the

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rents of the sittings of the said Chapel, to sue for and recover the same by action or actions according to law.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, did, on the 6th day of January last, take the said Petition into consideration, and thought proper to refer the same to Your Majesty’s Attorney and Solicitor General, who, after ascertaining from the Law Officers of Guernsey that it is competent to Your Majesty, according to the law of Guernsey, to grant what is asked, have thereupon reported to this Committee that there is no objection to the prayer of the Petition if Your Majesty shall be graciously pleased to grant the same. The Lords of the Committee, upon consideration thereof, do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to accede to the prayer of the Petitioners.”

HER MAJESTY having taken the said Report into consideration was pleased, with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Petitioner, William Guille, in his capacity of Rector of Saint Peter-Port, be, and he is hereby authorised, to appear before the Royal Court of the said Island of Guernsey and accept for himself as Rector aforesaid, and his successors, Rectors of the said parish in perpetuity, from the said Committee, the conveyance of the said Chapel of St. Stephen together with the whole of the land which has been conveyed to the said Committee for the erection of the said Chapel, for a future Parsonage House, and for the purpose of a Plantation. And it is hereby further ordered that the Rector of the said parish of Saint Peter-Port, for the time being, shall be liable, as well for the repairs of the said Chapel of St. Stephen (until

an adequate Repair Fund shall have been provided), as for the stipend of the Curate who shall serve the said Chapel (such Curate to be appointed from time to time by the Rector, for the time being, of the said parish), and for other expenses incident to the performance of Divine Service in the said Chapel. And it is hereby further ordered that two fit and proper persons shall from time to time be appointed to act as Churchwardens for the said Chapel, with the powers and duties incident to such office according to law, such Churchwardens to be chosen, one by the Rector of the said parish, for the time being, and the other by the Renters of sittings in the said Chapel, and when so elected to be admitted and sworn in the customary manner; provided always that the said Churchwardens shall not be deemed Parochial Officers. And it is hereby further ordered that the said Churchwardens be, and they are hereby authorised, to let 300 out of the 750 sittings which the said Chapel of St. Stephen contains, according to a scale to be fixed by the Rector of the said parish, and to be approved of by the Bishop of the Diocese, which scale may be altered from time to time by the said Rector, with the consent of the said Bishop, as occasion may require, which said rents the said Churchwardens shall collect and receive, and pay over to the Rector of the said parish for the time being. And the said Churchwardens for the time being, are hereby authorised, in case of the non-payment of the rents of the sittings of the said Chapel, to sue for and recover the same by action or actions according to law.

And Her Majesty doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor, or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in

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the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.*

EDMUND HARRISON.

(Enregistré sur les Records le 8 Juillet 1865).

AT THE COURT AT WINDSOR

the 29th day of June 1865.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

Loi relative
aux Preuves.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 29th day of June, 1865, in the words following, viz :—

* By an Order in Council of the 30th December, 1864, which is not registered on the Records of the Royal Court, all that part of the parish of St. Peter-Port which is described in a plan and in the Schedule hereunder was assigned as a district Chapelry to the said Church of St. Stephen, and named "The District Chapelry of Saint Stephen, Guernsey," and it was enjoined that Banns of Matrimony should be published, and that marriages, baptisms, churchings and burials should be solemnised or performed at the said Church of St. Stephen, and that the fees to be received in respect of the publication of such banns and of the solemnisation or performance of the said offices should be paid and belong to the minister of the same for the time being.

SCHEDULE.

The District Chapelry of Saint Stephen, Guernsey, being :—

"All that part of the parish of Saint Peter-Port, in the Island of Guernsey and in the diocese of Winchester wherein the present incumbent of such parish now possesses the exclusive cure of souls, which is bounded upon the north partly by the new parish of St. John, Guernsey, and partly by the parish of the Vale; upon the west partly by the parish of Saint Andrew and partly by the parish of Saint Martin; upon the south by the said last-named parish of Saint Martin, all in the island and diocese aforesaid; and upon the remaining side, that is to say, upon the east, partly by the new parish of the Holy Trinity, Guernsey, in the island and diocese aforesaid, and partly by an imaginary line commencing upon the boundary which divides the said new parish of the Holy Trinity, Guernsey, from the parish of Saint Peter-Port aforesaid, at the point where Petites Fontaines Lane joins Queen's Road, and extending thence north-eastward along the middle of the said road for a distance of one hundred and eighty-seven yards or thereabouts to its junction with Grange Road, and extending thence eastward along the middle of the last named road for a distance of forty yards or thereabouts to its junction with Brock Road, and extending thence first northward, then north-eastward, and then eastward along the middle of the last named road for a distance of four hundred and eighty yards or thereabouts to its junction with the road which passes in front of the house called or known as Le Rouge Huis, and extending thence northward along the middle of the last mentioned road for a distance of one hundred and twenty-five yards or thereabouts to its junction with Candie Road and with the road called or known as La Butte, and continuing thence still northward along the middle of the last named road for a distance of one hundred and forty yards or thereabouts to the boundary at the junction of the same road with Amherst Road and with La Fosse André Road, which boundary divides the said parish of Saint Peter-Port from the new parish of Saint John, Guernsey, aforesaid."

“YOUR MAJESTY having been pleased by Your 1865.
 General Order of Reference to refer unto this Committee the Humble Petition of Sir Peter Stafford Carey, Knight, Bailiff of the Island of Guernsey, setting forth :—That the ancient Law of Evidence in Your Majesty’s Island of Guernsey, having been found in certain respects inconvenient and inconsistent with the ends of Justice, certain laws framed by the Royal Court, and approved by the States, for the amendment thereof, have been from time to time sanctioned by Your Majesty :—That on the 26th day of May, in the year 1860, the Royal Court, thinking it would be desirable to collect together the provisions of the several laws so sanctioned by Your Majesty, with the addition of such further provisions as were requisite for the further amendment of the law, adopted a *Projet de Loi* intituled “*Loi relative aux Preuves*,” in order that, if approved by the States, it might be submitted to Your Majesty’s Most Gracious consideration : —That at the Michaelmas Chief Pleas, in the year 1863, the Royal Court adopted a supplementary article to be incorporated in the said *Projet* :—That at a meeting of the States, holden before the Petitioner, on the 24th day of February, in the year 1865, the said *Projet de Loi*, with the said supplementary article incorporated therein, was, by the said States approved in the form set forth in the schedule hereunto annexed. And humbly praying that Your Majesty would be graciously pleased to ratify the *Projet de Loi* intituled *Loi relative aux Preuves* ; and to declare Your Royal Will and Pleasure, that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken into consideration the said Petition and the said *Projet de Loi*, and do agree humbly to report as their opinion to

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Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to declare that the same shall have the force of law within the Bailiwick of the Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order as it is hereby ordered, that the same shall have the force of law within the Island of Guernsey. And Her Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey, and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the island of Guernsey, the Bailiff and Jurats, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

PROJET DE LOI referred to in the foregoing Order in Council:—

LOI RELATIVE AUX PREUVES.

Témoins
Idoines.

1.—Tout individu est recevable comme témoin à moins qu'il n'y ait juste cause pour exclure son témoignage.

A veugles
Sourds et
Muets.

2.—Est et demeure abrogée la loi qui déclare que les aveugles, les sourds et les muets, ne peuvent porter témoignage.

Impubères.

3.—Les impubères peuvent être admis à témoigner s'ils paraissent à la Cour avoir les connaissances et l'entendement nécessaires.

Infâmes et
Blâmés de
crime.

4.—Est et demeure abrogée la loi qui déclare que ceux qui sont infâmes, ou qui sont communément blâmés d'homicide, de larcin ou d'aucun autre crime, de quoi il n'est aucun qui les suive, ne doivent pas être reçus au serment.

5.—Celui qui a été convaincu de crime n'est plus reprochable à cause de ce, après qu'il a subi sa punition. 1865.
Convaincu qui a subi punition.

6.—Un individu ne peut pas être reproché par raison d'avoir conseillé ou conforté la partie qui l'a appelé comme témoin, à moins qu'il ne soit ou qu'il n'ait été l'Avocat, le Procureur, ou le mandataire de telle partie dans la même cause. Reproche pour avoir conseillé ou conforté.

7.—Sont et demeurent abolis :—

A.—Le reproche pour raison de semblable querelle. Reproches pour semblable querelle, amour ou haine abolis.

B.—Le reproche pour raison d'amour ou de haine.

8.—Le reproche pour raison d'intérêt est pareillement aboli, excepté dans les cas prévus par la présente loi. Reproche pour intérêt aboli.

9.—Celui qui s'est inscrit en faux n'est pas admissible comme témoin à charge dans les procédures en inscription de faux ; mais à cette exception près, ceux au préjudice desquels un faux a été commis sont témoins idoines dans les causes en crime, et autres procédures pénales intentées contre l'auteur du faux. Témoins idoines en matière de faux.

10.—Nul ne peut être entendu comme témoin dans sa propre cause. Acteur et Défendeur inadmissibles.

11.—Cependant dans les causes civiles l'une des parties pourra être appelée comme témoin par sa partie adverse, et l'individu ainsi appelé sera censé témoin idoine. Partie adverse peut être appelée.

12.—Cette loi ne déroge en rien à la faculté de déférer le serment, soit dans les cas où le serment est déféré par la partie adverse, soit dans ceux où il est déféré d'office par le Juge. Serment déféré.

13.—Un témoin ne pourra être reproché pour cause de parenté, à moins qu'il ne soit le mari ou la femme de l'une des parties en cause, et cela avec exception des cas où le témoignage du mari et de la femme est rendu admissible en vertu de la présente loi. Reproche pour cause de parenté.

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Mari et
Femme.

14.—Le mari et la femme peuvent être entendus comme témoins dans les causes en crime, et autres procédures pénales, intentées pour raison de violences exercées contre eux par leur conjoint accusé; et la femme peut être entendue comme témoin dans une plainte en Police Correctionnelle contre son mari pour avoir négligé ou abandonné sa famille.

Mari et
Femme.

15.—Dans tous les cas où l'une des parties est recevable comme témoin dans une cause civile, le mari ou la femme de cette partie sont pareillement recevables.

Cas d'adultère.

16.—Cependant dans les causes où il s'agit de l'adultère de l'un des conjoints, le mari ne pourra porter témoignage, ni pour ni contre sa femme, et pareillement la femme ne pourra porter témoignage ni pour ni contre son mari.

Ajourns à
témoins.

17.—La coutume exige que les témoins soient ajournés par le Sergent à personne ou à domicile.

Obligation de
témoigner.

18.—Ceux qui sont témoins idoines ne peuvent pas refuser de témoigner.

Serment et
Affirmation.

19.—Les témoins avant d'être entendus feront serment de déclarer la vérité, toute la vérité, et rien que la vérité.

Bien entendu que si un témoin allègue des scrupules de conscience à l'égard de la prestation du serment, la Cour (pourvu qu'elle soit satisfaite que l'exception est de bonne foi) pourra substituer pour le serment une affirmation solennelle à l'effet qui suit.

Je A. B., déclare et affirme que suivant mes croyances religieuses il ne m'est pas permis de faire serment, et j'affirme solennellement et sincèrement que je déclarerai la vérité, &c.

Fausse
déclaration.

20.—Celui qui, après avoir fait une affirmation solennelle aux fins de l'article précédent, aura sciemment et méchamment déclaré faussement, sera passible des peines et punitions encourues en cas de parjure, pourvu que la fausse déclaration soit telle qu'elle

aurait été censée parjure si elle avait été faite sous la _____ 1865.
foi du serment.

21.—Les reproches ne peuvent être proposés Reproches
Procédure.
qu'avant que le témoin ne soit sermenté, et celui-ci est tenu de s'expliquer sur iceux sous la foi de serment.

22.—Le nombre des témoins n'est point limité, bien Nombre des
témoins.
entendu que lorsqu'une partie en fait sermenter plus de douze, la partie adverse n'est pas assujettie au paiement des frais et journées au-delà de douze.

23.—Dans un procès criminel pour cause de félonie Témoin en
cause de
félonie quit-
tant l'île.
si un témoin nécessaire est sur son départ de l'île, les Officiers de la Reine sont autorisés à le contraindre d'y rester trois jours, afin d'être examiné provisoirement à futur.

Et est sans préjudice à la faculté qu'a le ministère public de s'adresser à la Cour, dans le but de faire exiger qu'un témoin nécessaire donne caution de se présenter en Cour lors de la passation de la cause, pour y donner son témoignage.

24.—Après que le témoin a été examiné en chef par Examen de
témoins.
la partie qui l'a appelé, l'autre partie a la faculté de le contre-interroger, et ensuite la partie qui l'a appelé peut le ré-interroger sur les faits par lui déclarés en réponse aux Contre-interrogats. Les parties ne peuvent faire au témoin d'autres interrogats qu'avec la permission de la Cour, et par l'intermédiaire du Président.

25.—Un témoin n'est pas tenu de révéler ce qui Exemptions de
révéler
certains faits.
pourrait l'assujettir à une poursuite criminelle.

26.—Un témoin n'est pas tenu de révéler un fait qui, idem.
sans l'assujettir à une poursuite criminelle, pourrait cependant l'avilir aux yeux du public, à moins que ce ne soit un fait matériel dans la cause.

27.—Lors qu'un interrogat impute au témoin un fait Partie interro-
geante liée par
réponse d'un
témoin au-
quel fait
criminel ou
avilissant est
imputé.
criminel ou avilissant, si, au lieu d'exercer le privilège qui lui est réservé dans les deux articles précédents, le témoin répond à l'interrogat, la partie interrogeante

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est liée par la réponse tellement qu'il ne lui est pas permis de produire des preuves pour démontrer que la réponse est fausse ou inexacte.

Déclarations
faites hors de
cour par
témoin.

28.—Si un témoin a fait hors de Cour des déclarations qui contredisent son témoignage, la partie contre laquelle il est appelé peut le contre interroger à leur égard, et au cas qu'il nie avoir fait les déclarations qu'on lui impute, elle en est recevable à en faire la preuve.

Avocats, Pro-
cureurs et
Mandataires.

29.—Les avocats, procureurs, et mandataires appelés comme témoins, ne doivent pas révéler les communications privilégiées qui se sont passées entre eux et leurs clients.

Témoin ne
peut révéler
communica-
tion faite par
conjoint
pendant le
mariage.

30.—Un mari appelé comme témoin ne sera pas reçu à révéler une communication que lui aurait fait sa femme pendant le mariage, et pareillement une femme appelée comme témoin ne sera pas reçue à révéler une communication que lui aurait fait son mari pendant le mariage.

Le privilège réservé par cet article ne cesse point par l'effet de la dissolution de mariage.

Connétables
pas tenus de
révéler noms
des délateurs.

31.—Les Connétables et autres Officiers de Police ne sont pas tenus de révéler les personnes qui leur ont fourni des indices.

Actes authen-
tiques.

32.—Les actes et autres pièces dont l'authenticité est reconnue par la loi, soit en Angleterre, soit dans quelqu'autre partie du Royaume Uni, sans la Vérification du Sceau, du timbre ou de la signature dont ils sont revêtus, et sans que le caractère judiciaire ou officiel de la personne dont ils portent la signature soit constaté, seront pareillement reçus comme authentiques dans le Bailliage de l'île de Guernesey.

Faux d'Actes
authentiques.

33.—Tout individu qui aura contrefait le sceau, le timbre ou la signature d'une telle pièce, sera coupable de félonie, bien entendu qu'il ne pourra être puni d'au delà de sept ans de déportation.*

* La peine de Déportation est abolie par Ordre en Conseil du 19 Juillet 1870, enregistré sur les Records de cette Ile le 6 Août 1870, sanctionnant une Loi relative à la Servitude Pénale.

34.—Sera également coupable de félonie et puni de la même peine celui qui aura sciemment produit comme authentique une telle pièce ayant le sceau, le timbre ou la signature fausse ou contrefaite.

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Pénalité pour
production
d'Actes contre-
faits.

35.—Lorsqu'il s'agit d'une convention par écrit il n'est reçu aucune preuve par témoins contre ou outre le contenu de la pièce.

Convention
par écrit.

36.—Les oui-dire ne sont pas recevables en preuve excepté dans les cas spéciaux reconnus par la loi.

Oui-dire.

37.—La bonne foi est toujours présumée, et c'est à celui qui allègue la fraude à en faire la preuve, bien entendu que pour que cette preuve soit recevable, il faut que l'allégation de fraude soit formulée en termes exprès.

Présomption
de bonne foi.

38.—Dans les cas ci-dessous, les promesses ou reconnaissances doivent être rédigées par écrit, et signées par la partie qu'on voudrait faire responsable.

Promesses et
Reconnais-
sances par
écrit.

1° La promesse de se tenir responsable des dettes engagemens ou obligations d'un autre.

2° La promesse ou reconnaissance par laquelle un débiteur s'engage à acquitter une dette sans égard à la prescription soit qu'elle ait été déjà acquise ou non.

3° La promesse par laquelle un individu qui a été admis au bénéfice de renonciation ou de cession, s'engage à acquitter une dette due antérieurement.

4° La promesse par laquelle un individu d'âge majeur s'engage à acquitter une dette par lui contractée durant sa minorité, au paiement de laquelle il n'était pas obligé par la loi.

39.—Dans les cas spécifiés à l'article précédent la preuve testimoniale ne peut être admise que dans trois cas, savoir ;

Exceptions à
l'article 38.

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- 1° Lorsqu'il existe un commencement de preuve par écrit. (On appelle ainsi toute pièce par écrit qui est émanée de celui contre lequel la demande est formée ou de celui qu'il représente, et qui rend vraisemblable le fait allégué).
- 2° Lorsque le créancier a perdu le titre qui lui servait de preuve, par suite d'un cas fortuit, imprévu et résultant d'une force majeure.
- 3° Lorsque la pièce est dans la possession du débiteur, et que celui-ci, après avoir été sommé à la produire, ne la produit cependant pas.

Examen de
témoins hors
l'île.

40.—En toute cause civile, l'une ou l'autre des parties pourra ajourner sa partie adverse, à voir la Cour ordonner que certains témoins dans la dite cause étant absens de l'île, seront examinés par serment hors de l'île, devant une ou plusieurs personnes autorisées à l'effet par la Cour. Sur quoi il sera loisible à la Cour de faire tel ordre qu'elle jugera convenable pour l'examen des dits témoins, comme aussi de faire de temps en temps tels règlements par rapport à l'examen des dits témoins qu'elle croira raisonnables et justes.

Les dépositions de tels témoins seront rédigées par écrit devant les personnes ainsi autorisées, et elles seront recevables en témoignage dans la cause de la même manière que la déposition d'un témoin prise à futur et rédigée par écrit devant la Cour ; à l'exception toutefois des dépositions de ceux qui pourraient se trouver dans l'île, lors de l'audition des témoins, les frais de tel examen seront censés frais curiaux en la cause, à moins qu'il n'en soit autrement ordonné.

(Enregistré sur les Records le 15 Juillet 1865).

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AT THE COURT AT WINDSOR

the 5th day of July 1865

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE PRINCE OF WALES, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 3rd day of July, 1865, in the words following, viz:—

Application
du Revenu des
Havres de St.
Pierre-Port et
de St. Samson.
Nouveau Tarif
de Droits.
Droits des
Carénages et
de la Cale-à-
Radoub.

“YOUR MAJESTY having been pleased by Your General Order of Reference, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth:—That until the year 1851, certain dues comprehended under the title of “*La Petite Coutume*,” were, by virtue of certain Royal Charters, vested in the Bailiff and Jurats, the said dues being levied, partly on goods imported, and partly on shipping, and being, with some trifling exceptions, payable exclusively by such persons as were not natives of the Island and had not been received as inhabitants thereof; and that the produce of these dues was (under the Charters above mentioned) applicable, in the first place to the keeping up of the Harbour, and in the second place to the general wants of the Island:—That on the 6th day of June, 1851, the States, at an Assembly holden before the Bailiff, voted (subject to Your Majesty’s authority in that behalf) the execution of certain works for the improvement of the Harbour of St. Peter-Port, and the creation of a Harbour Revenue consisting of certain dues, out of which to provide for the payment of the said works.—That in contemplation of such works being undertaken, the Bailiff and Jurats had, by an Act of the Royal Court passed on the 21st day of May, 1851, assented to the total and immediate

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abolition of the dues of the *Petite Coutume*, so vested in them as aforesaid, on certain conditions, the principal of which was that, after the works so voted as aforesaid had been paid for, certain dues set forth in the said Act of Court should be vested in perpetuity in the said Bailiff and Jurats, in lieu of the ancient dues of *La Petite Coutume*, one portion of the said dues to constitute a special fund for the purposes of the Harbour, and another portion (consisting of duties on goods imported) to be (as the surplus of the *Petite Coutume* had up to that time been) applicable to the general wants of the Island:—That the works so voted as aforesaid, on the 6th day of June, 1851, formed part of a more extensive design furnished by the late Mr. Rendel, C.E.:—That by Order in Council of the 14th November, 1851, Your Majesty was graciously pleased, on the Petition of the States, to authorise the levying of certain dues, as set forth in a Schedule annexed to the said Order, the net produce of the said dues (after payments of the ordinary expenses of the Harbour) to be applied exclusively to the execution of the works so as aforesaid voted by the States on 6th June, 1851, and the levying of the same to cease as soon as the expenditure in respect of such works should have been defrayed, after which time it was provided by the said Order that the several dues set forth in the Act of the Royal Court above mentioned should be levied by the Bailiff and Jurats in lieu of the ancient dues of the *Petite Coutume*:—That by Order in Council of the 19th August, 1853, Your Majesty was graciously pleased, on the Petition of the States, to authorise them to charge upon the Harbour Funds the cost of certain further works voted by the States on the 22nd day of October, 1852, as well as the sum of £400 to be contributed towards the purchase of a house called the *Hôtel Bayfield*, which it was intended to demolish in order to improve the

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approach to the Harbour, and that by the said Order in Council Your Majesty was further graciously pleased to authorise the sums expended for the several purposes above mentioned to be paid out of the produce of the dues, the collection of which had been under Your Majesty's previous Order in Council of the 14th November, 1851, sanctioned for the purposes in the said Order specified, and to sanction the continuance of such duties until the further sums so charged upon them should be fully paid:—That while the works so voted as aforesaid were in progress, it was determined that considerable alterations should be made in the original design, the principal object to be attained by the change of plan being to secure a low water landing-place, by carrying on the south arm to Castle Cornet:—That at two Assemblies of the States, holden respectively on the 22nd day of December, 1855, and the 2nd day of April, 1856, certain further works were voted, particularly with reference to the contemplated change of plan, and that, by an Order in Council of the 28th of July, 1856, Your Majesty was graciously pleased, on the Petition of the States, to authorise them to continue to levy the same dues created by Your Majesty's former Order in Council of the 14th November, 1851, until the total cost of the contemplated works should be paid:—That on the 6th day of May, 1857, the States having approved of certain modifications to be introduced into the last mentioned works, Your Majesty was graciously pleased, on the Petition of the States, to order that the States should have the same powers, with respect to such modifications, as if they had been comprised in Your Majesty's Order in Council of the 28th July, 1856, and at the same time expressly to authorise the States to levy the dues created by the Order in Council of the 14th November, 1851, until all the works above mentioned had been paid for:—That at an Assembly

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holden on the 12th day of February, 1858, the States voted certain modifications of the works then in progress, and certain additional works, and subject to Your Majesty's sanction, also voted:—

First:—The levying of certain dues to be substituted for those created by the Order in Council of the 14th November, 1851.

Secondly:—The substitution of certain dues to be granted to the Bailiff and Jurats in lieu of those vested in them by virtue of the said Order.

That by Order in Council of 2nd September, 1858, Your Majesty was graciously pleased, on the Petition of the States, to sanction the levying of certain new dues set out in a Schedule marked (A) annexed to the said Order, as well in lieu of the dues created by the Order in Council of the 14th November, 1851, as in respect of a Careening Hard and Floating Dock forming part of the plan of improvement, such dues to continue to be levied until the sums already borrowed, and the expenditure to be incurred in respect of the several works voted for the improvement of the Harbour (including those voted on the 12th February, 1858) should be entirely discharged and paid, after which time it was provided by the Order of 2nd September, 1858, that the Bailiff and Jurats should be authorised to levy certain dues set forth in a certain other Schedule marked (B) annexed to the said Order, the said dues to be vested in and levied by the said Bailiff and Jurats, who had signified their assent thereto, in lieu of the ancient dues of *La Petite Coutume* in as full and ample a manner as those which had been reserved to them by the aforementioned Order in Council of 14th November, 1851:—That by Order in Council of 17th December, 1860, Your Majesty was graciously pleased, on the Petition of the States, to sanction a tariff of dues continuing

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with certain modifications those which had been sanctioned by the Order in Council of 2nd September, 1858, and to authorise the levying of the dues specified in the said tariff and the application of them, as well to the payment of certain additional works voted by the States on the 1st day of June, 1860, as to the other purposes for which the dues then levied were applicable under the authority of the several former Orders in Council issued in that behalf:—That by Order in Council of the 26th April, 1862, Your Majesty was graciously pleased, on the Petition of the States, to authorise the application of the revenue of the Harbour to the execution of certain works voted by the States on the 24th day of January, 1862:—That by Order in Council of 7th of June, 1862, Your Majesty was graciously pleased, on the Petition of the States, to authorise the application of the said revenue to the execution of certain further works voted by the States on the 14th day of May, 1862:—That the Floating Dock mentioned in the Order in Council of 2nd September, 1858, is still unfinished, and that the Careening Hard mentioned in the said Order has not been put into a complete state for the accommodation of vessels under repair:—That there is another harbour in the Island of Guernsey, called the Harbour of St. Sampson's, distant about two miles from the Harbour of St. Peter-Port:—That before the year 1839, the said Harbour of St. Sampson's was merely an arm or inlet of the sea, with no other accommodation for the loading and unloading of vessels than a small pier or jetty on the north side:—That at that time certain ancient dues, varying from two shillings to eight shillings, according to the size of the vessels, were levied in the said Harbour upon English and Foreign vessels frequenting it, Guernsey vessels not being liable to any charge whatever, and that the produce of the said dues was applied to the payment

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of the repairs and ordinary expenses of the said Harbour:—That in consequence of the great increase of the stone trade, the States, in the year 1839, resolved to construct new quays and other works in the said Harbour, and that by Order in Council of 31st July, 1839, Your Majesty was graciously pleased, on the Petition of the States, to authorise the levying of a duty of two pence a ton on all stones or other goods loaded on board all vessels belonging to Guernsey or otherwise, in the parishes of St. Sampson and the Vale, payable by the owner of the vessel, as well as a duty of one penny a ton on all stones loaded for exportation within the said parishes, payable by the exporter;—And Your Majesty was also further pleased to direct that the produce of the said duties should be applied to the payment of the cost of the contemplated works, and be levied only during the time required for the completion of the works voted by the States and the payment of the entire cost thereof:—That from the time when the said Order in Council of 31st July, 1839, came into operation, the ancient dues before mentioned ceased to be levied upon vessels loading in the said Harbour, and thus becoming liable to the new duties imposed by the said Order, such ancient dues being only paid by the few English and Foreign vessels entering the Harbour without loading there:—That by Order in Council of 13th January, 1845, Your Majesty was pleased, in consideration of the sum of £100 (the same to be applied to certain purposes of Education as therein directed), to grant to the States certain land recovered from the sea in consequence of the works carried on in the said Harbour, and that thereupon certain additional works were undertaken by the States with the intention of applying the proceeds of the sale of the said land to defray the cost of the said additional works:—That by Order in Council of 24th October, 1853, Your

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Majesty was graciously pleased, on the Petition of the States, to authorise the continuance of the duties created by the forementioned Order in Council of 31st July, 1839, until the full repayment of a certain balance then due in respect of sums expended for former improvements, and for the defraying of the expenditure to be incurred in respect of certain additional works for the improvement of the said Harbour, which had been voted by the States, the said duties to cease on the said works being paid for, and in the meantime a yearly account of the produce and application thereof to be rendered to the Lieutenant-Governor:—That by the accounts of the said Harbour, as rendered to the Lieutenant-Governor, it appears that on the 30th June, 1863, the said works were fully paid, and there remained in hand a balance of £187 6s. 3d.:—That by Order in Council of 25th November, 1853, Your Majesty was graciously pleased, on the Petition of the States, to authorise the levying of certain dues on all vessels entering the said harbour, in lieu of the ancient dues levied before the Order in Council of 31st July, 1839, in order to constitute a permanent fund for the said Harbour, it being (*inter alia*) provided, that in all cases where the duties levied on the cargo under the said Order in Council of 31st July, 1839, should exceed the amount of the Harbour Dues sanctioned by the said Order of the 25th November, 1853, a sum equal to the amount of the said Harbour Dues should be deducted therefrom:—That by Order in Council of 11th June, 1863, Your Majesty was graciously pleased, on the Petition of the States, to authorise the further continuance of the dues created under the Order in Council of 31st July, 1839, for the purpose of being applied to the execution of certain new works which had been voted by the States on the 16th July, 1862, estimated at £7,335 7s., and to cover one half of the cost of erecting a certain beacon voted

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by the States on the 30th March, 1863, the said cost estimated at £65 :—That besides the payments made for the different works executed on the Harbours of St. Peter-Port and of St. Sampson's, out of the revenues of the said harbours respectively, the States have raised large sums of money for the purpose of carrying on the said works by means of loans, bearing interest at three per cent., chargeable on the said revenues, and that from the accounts laid before the States, it appears that on the 31st day of December, 1863, the amount of such loans was as follows, namely, £160,000 for the Harbour of St. Peter-Port, and £4,836 for the Harbour of St. Sampson's :—That from the same accounts it appears that the revenue of the Harbour of St. Peter-Port for the year 1863 was as follows :—

Impôt on Wines	£1,179	11	3
Tonnage Dues	2,698	7	6
Dues on Goods Imported	4,382	12	5
Sundries	141	15	3

Total.....£8,402 6 5

and that the outgoings were,

For Rents to the Crown	£2	0	0
Interest on Loans of Money	4,795	10	0
Ordinary Expen- ses	1,359	13	9
	£6,157	3	9
	£2,245	2	8

leaving a surplus of £2,245 2s. 8d. applicable to the works :—That the revenue of the Harbour of St. Sampson's in the said year, according to the said accounts, was as follows :—

Duties on Stones Shipped	£1,680	11	2
Rents and Ground Rents	178	7	3
Total.....	£1,858	18	5

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Harbour of Saint Peter-Port of about £1,500 a year ; the greater part of which will be borne by steamboats, a class of vessels for which special accommodation is provided in the works under construction ;— That it is also calculated that the amount of the dues which the stone trade of St. Sampson's Harbour will have to pay under the proposed tariff, in respect of the tonnage of the shipping employed, would not exceed by so much as one per cent. what it now has to pay in the form of duties on the stone shipped :— That the States, at the Assembly above mentioned, subject to your Majesty's sanction, passed certain votes to the effect :—1. That the proposed dues of sixpence a ton upon vessels arriving in ballast and without passengers (as set forth in the 3rd Article of Schedule marked A, hereunto annexed), should not be increased for a period of twenty years at least, and that, from the time when the levying of the said dues should commence, the duties now payable upon the shipment of stones or other goods (as hereinbefore set forth), as well as the dues created by the Order in Council of 25th November, 1853, should no longer be leviable. 2. That the dues contained in Article 4 of the Tariff of Dues, sanctioned by the forementioned Order in Council of 17th December, 1860, should not be leviable until otherwise ordered by the States. 3. That the dues levied in the Harbour of St. Sampson's, as well as in any other harbour which may be constructed in the Island, should be applicable to the following purposes in the order following :—(1). To the maintenance and in general to the ordinary expenses of the Harbour of St. Sampson's and its dependencies :—(2). To the payment of the cost of the works already voted, or which may be hereafter voted for the improvement of the said Harbour :—(3). To the cost of erecting and maintaining such piers or other harbour works on the coast of the Island as Your Majesty in Council may be

pleased to authorise on the Petition of the States :—

(4). To the liquidation of the debts incurred for the carrying on of the works executed in the Harbours of St. Sampson's and St. Peter-Port :—That at an adjourned meeting of the said Assembly, holden on the 6th July, 1864, the States, subject to Your Majesty's sanction, voted the execution of certain additional works, estimated at £7,697 13s. 4d., for the improvement of the Harbour of St. Sampson's :—That the said additional works may be described as follows :—

- 1. The rebuilding of the west and south walls of the Old North Pier.
2. The widening of the Old Bridge and of the South Quay, as far as the Crocq, with a new slip on the north side.
3. The excavation and trenching of the bay between the old and the new North Quay.
4. The enlarging of the Crocq, and the construction of a Careening Hard and a Graving Dock on the east side of it :—That at the said Assembly the States, subject to Your Majesty's sanction, approved a Tariff of Dues set forth in the Schedule (marked B) hereunto annexed, the said dues to be paid by vessels making use of the forementioned Careening Hard and Graving Dock in the Harbour of St. Sampson's. And humbly praying :—

(I). That Your Majesty will be graciously pleased to sanction the alteration of the Tariff of Dues ratified by Your Majesty's Order in Council of the 17th December, 1860, by repealing the 3rd Article of the same, and substituting for it the provisions set forth in the Schedule (marked A) hereunto annexed, and to authorise the levying of the dues set forth in the said Schedule, in lieu and place of those contained in the article so repealed :—

(II). That Your Majesty will be graciously pleased to order and direct that the proposed dues of sixpence a ton upon vessels arriving in ballast and without passengers (as set forth in the 3rd Article of the Schedule marked

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A, hereunto annexed), shall not be increased for a period of twenty years at least, and that, commencing from the time when the levying of the said dues shall commence, the several duties now payable upon the shipment of stones and other goods under Your Majesty's Order in Council of 31st July, 1839, as well as the dues created by Your Majesty's Order in Council of 25th November, 1853, shall be no longer leviable :—

(III). That Your Majesty will be graciously pleased to order and direct that the dues contained in Article 4 of the forementioned Tariff of Dues, ratified by Your Majesty's Order in Council of 17th December, 1860, shall not be leviable until otherwise ordered by the States :—

(IV). That Your Majesty will be graciously pleased to order and direct that the dues levied in the Harbour of St. Sampson's, as well as in any other harbour which may be constructed in the Island, shall be applicable to the following purposes in the order following :—

1. To the maintenance and in general to the ordinary expenses of the Harbour of St. Sampson's and its dependencies :—
2. To the payment of the cost of the works already voted, and of such as may, with Your Majesty's sanction, be hereafter voted for the improvement of the said Harbour :
3. To the cost of erecting and maintaining such piers or other harbour works on the coasts of the Island as Your Majesty in Council may be pleased to authorise on the Petition of the States :—
4. To the liquidation of the debts incurred for the carrying on of the works executed or hereafter to be executed in the Harbours of St. Sampson's and St. Peter-Port.

(V). That Your Majesty will be graciously pleased to authorise the application of the revenue of the

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Harbour of St. Sampson's, as well to the payment of half the cost of the beacon to be fixed on the rocks called "Les Grunes," as to the execution of the works voted by the States on the 6th of July, 1864, for the improvement of the said Harbour :—

(VI). That Your Majesty will be graciously pleased to sanction the tariff of dues set forth in the Schedule (marked B) hereunto annexed, and to authorise the levying of the dues contained in the said tariff, upon all vessels making use of the Careening Hard and Graving Dock in the Harbour of St. Sampson's.

" And Your Majesty having been further pleased to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That in consequence of certain resolutions adopted by the said States on the 4th July, 1864, a Petition was in due course transmitted to Your Majesty in Council by the Bailiff, on behalf of the said States, praying among other things that Your Majesty would be graciously pleased to sanction the alteration of a certain tariff of dues now in force under Your Majesty's Order in Council of the 17th of December, 1860, by repealing the 3rd Article of the same, and substituting for it the provisions set forth in the Schedule (marked A) annexed to the said Petition, and to authorise the levying of the dues set forth in the said Schedule, in lieu and place of those contained in the Article so repealed :—That on the 20th of October, 1864, John Thomas Hyde, Esquire, of the Island of Herm, presented a Petition to Your Majesty in Council, praying that Your Majesty would be graciously pleased to refuse Your Sanction to the aforesaid resolutions of the States so far as the Island of Herm is concerned :—That both the said Petitions have been referred by Your Majesty to the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey :—That on the 8th of February, 1865, the

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said Mr. Hyde addressed a letter to the Bailiff, stating that he was prepared to recall his Petition to Your Majesty provided the States would on their part present a Petition to Your Majesty in Council (as a supplement to that now before Your Majesty) praying that the tonnage dues to be paid by vessels in consequence of taking in cargo at Herm in conformity with the aforesaid resolutions of the 4th July, 1864 (such vessels not entering any harbour at Guernsey after leaving Herm) should be applicable to the defraying of any expenditure to the extent of two thousand pounds which might be hereafter incurred by the lessee for the time being of Herm, for the accommodation of vessels entering the harbour of the said Island:—That at an Assembly holden before the Bailiff on the 24th day of February, 1865, the States passed a resolution whereby, subject to Your Majesty's sanction in that behalf, they adopted Mr. Hyde's proposal. And humbly praying that, in sanctioning the alteration of the present tariff of dues as prayed for by the States in their former Petition, Your Majesty may be graciously pleased to order and direct that the tonnage dues to be paid by vessels in consequence of taking in cargo at Herm, in conformity with the resolutions passed by the States on the 4th of July, 1864 (such vessels not entering any harbour at Guernsey after leaving Herm), shall be applicable to the defraying of any expenditure, to the extent of two thousand pounds, which may hereafter be incurred by the lessee for the time being of Herm, for the accommodation of vessels entering the Harbour of the said Island.

“ And Your Majesty having been further pleased to refer unto this Committee certain petitions from the London and South-Western Railway Company, from owners of stone quarries within the parishes of St. Sampson and the Vale, and others, and from the Herm

Granite Company, against the confirmation of the
Tariff of Harbour Dues submitted by the States of
Guernsey for Your Majesty's approval.

1865.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petitions into consideration, and having heard Counsel on behalf of the several parties, for and against the confirmation of the said Tariff of Harbour Dues submitted by the States, do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty

First.—To sanction the alteration of the Tariff of Dues ratified by Your Majesty's Order in Council of 17th December, 1860, by repealing the 3rd Article of the same, and substituting for it the provisions set forth in the Schedule (marked A) hereunto annexed, and to authorise the levying of the dues set forth in the said Schedule in lieu and place of those contained in the article so repealed.

Secondly.—To order and direct that the proposed dues of sixpence a ton upon vessels arriving in ballast and without passengers (as set forth in the 3rd Article of the Schedule, marked A, hereunto annexed) shall not be increased for a period of twenty years at least, and that from the time when the levying of the said dues shall commence, the several duties now payable upon the shipment of stones and other goods under Your Majesty's Order in Council of 31st July, 1839, as well as the dues created by Your Majesty's Order in Council of 25th November, 1853, shall be no longer leviabie.

Thirdly.—To order and direct that the dues contained in Article 4 of the forementioned

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Tariff of Dues, ratified by Your Majesty's Order in Council of 17th December, 1860, shall not be leviable until otherwise ordered by the States.

Fourthly.—To order and direct that the dues levied in the Harbour of St. Sampson's, as well as in any other harbour which may be constructed in the Island, shall be applicable to the following purposes in the order following:—

- 1.—To the maintenance and in general to the ordinary expenses of the Harbour of St. Sampson's and its dependencies;
- 2.—To the payment of the cost of the works already voted, and of such as may, with Your Majesty's sanction, be hereafter voted for the improvement of the said Harbour;
- 3.—To the cost of erecting and maintaining such piers or other harbour works on the coasts of the Island as Your Majesty in Council may be pleased to authorise on the Petition of the States;
- 4.—To the liquidation of the debts incurred for the carrying on of the works executed, or hereafter to be executed, in the harbours of St. Sampson's and St. Peter-Port.

Fifthly.—To authorise the application of the revenue of the Harbour of St. Sampson's as well to the payment of half the cost of the beacon to be fixed on the rocks called "Les Grunes," as to the execution of the works voted by the States on the 6th July, 1864, for the improvement of the said Harbour.

Sixthly.—To sanction the Tariff of Dues set forth in the Schedule (marked B) hereunto annexed, and to authorise the levying of the dues contained in the said tariff upon all vessels making use of the Careening Hard and

Graving Dock in the Harbour of St. Sampson's. _____ 1865.

And their Lordships are further of opinion that, in sanctioning the alteration of the present Tariff of Dues as prayed for by the States in their first named Petition, it may be advisable for Your Majesty to order and direct that the tonnage dues to be paid by vessels, in consequence of taking in cargo at Herm, in conformity with the resolutions passed by the States on the 4th of July, 1864 (such vessels not entering any harbour at Guernsey after leaving Herm), shall be applicable to the defraying of any expenditure to the extent of two thousand pounds which may hereafter be incurred by the lessee for the time being of Herm, for the accommodation of vessels entering the harbour of the said Island."

HER MAJESTY having taken the said Report into consideration was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed, and is hereby pleased to sanction the alteration of the Tariff of Dues ratified by Her Majesty's Order in Council of 17th December, 1860, by repealing the 3rd Article of the same and substituting for it the provisions set forth in the Schedule (marked A) hereunto annexed, and to authorise the levying of the dues set forth in the said Schedule, in lieu and place of those contained in the article so repealed.

And Her Majesty is further hereby pleased to order and direct that the proposed dues of sixpence a ton upon vessels arriving in ballast and without passengers (as set forth in the 3rd Article of the Schedule, marked A, hereunto annexed) shall not be increased for a period of twenty years at least, and that, from the time when the levying of the said dues shall commence, the several duties now payable upon the shipment of stones and other goods under Her

1865.

Majesty's Order in Council of the 31st July, 1839, as well as the dues created by Her Majesty's Order in Council of 25th November, 1853, shall be no longer leviabie.

And Her Majesty is further pleased to order and direct that the dues contained in Article 4 of the fore-mentioned Tariff of Dues ratified by Her Majesty's Order in Council of 17th December, 1860, shall not be leviabie until otherwise ordered by the States.

And Her Majesty is further pleased to order and direct that the dues levied in the Harbour of St. Sampson's, as well as in any other harbour which may be constructed in the Island, shall be applicable to the following purposes in the order following :—

1.—To the maintenance, and in general, to the ordinary expenses of the Harbour of St. Sampson's and its dependencies.

2.—To the payment of the cost of the works already voted, and of such as may, with Her Majesty's sanction, be hereafter voted for the improvement of the said Harbour.

3.—To the cost of erecting and maintaining such piers or other harbour works on the coasts of the Island as Her Majesty in Council may be pleased to authorise on the Petition of the States.

4.—To the liquidation of the debts incurred for the carrying on of the works executed, or hereafter to be executed, in the Harbours of St. Sampson's and St. Peter-Port.

And Her Majesty is further pleased to authorise the application of the revenue of the Harbour of St. Sampson's as well to the payment of half the cost of the beacon to be fixed on the rocks called "Les Grunes," as to the execution of the works voted by the States on the 6th July, 1864, for the improvement of the said Harbour.

And Her Majesty is further pleased to sanction the Tariff of Dues set forth in the Schedule (marked B) hereunto annexed, and to authorise the levying of the dues contained in the said tariff upon all vessels making use of the Careening Hard and Graving Dock in the Harbour of St. Sampson's.

1865.

But, in sanctioning the alteration of the present Tariff of Dues as prayed for by the said States, Her Majesty is pleased to order and direct that the tonnage dues to be paid by vessels in consequence of taking in cargo at Herm in conformity with the resolutions passed by the States on the 4th of July 1864 (such vessels not entering any harbour at Guernsey after leaving Herm), shall be applicable to the defraying of any expenditure to the extent of two thousand pounds, which may hereafter be incurred by the lessee for the time being of Herm for the accommodation of vessels entering the harbour of the said Island.

Whereof the Lieutenant-Governor of the Island of Guernsey, the Bailiff and Jurats of the Royal Court, and all persons concerned are to take notice and govern themselves accordingly.

ARTHUR HELPS.

SCHEDULES above referred to :—

SCHEDULE A.

SECTION III.

Un droit du tonnage sur la jauge légale anglaise des navires comme suit :—

1.—Tout navire de soixante tonneaux et au-delà (à l'exception de ceux qui arrivent sur lest et sans passagers) qui entrera dans un des havres de cette île, y faisant acte de commerce et y restant au-delà d'une marée (douze heures) payera neuf pennis par tonneau.

Navires de 60 tonneaux restant au-delà d'une marée.

Bien entendu qu'après avoir payé les neuf pennis par tonneau si, dans un intervalle qui n'excède pas

1865.

une semaine, le navire touche à Guernesey encore une fois dans son voyage de retour, il ne payera rien en sus quand même il resterait dans un havre au-delà d'une marée.

Navires de 60 tonneaux ne restant pas une marée.

2.—Tout navire de soixante tonneaux et au-delà (à l'exception de ceux qui arrivent sur lest et sans passagers) qui entrera dans un des havres de cette île y faisant acte de commerce mais n'y restant pas une marée, payera huit pennis par tonneau.

Bien entendu qu'après avoir payé les huit pennis par tonneau si, dans un intervalle qui n'excède pas une semaine, le navire touche à Guernesey encore une fois dans son voyage de retour, il ne payera rien en sus à moins qu'il ne reste dans un des havres au-delà d'une marée, s'il reste au-delà d'une marée il payera en sus un penny par tonneau.

Navires sur lest et sans passagers.

3.—Tout navire de soixante tonneaux et au-delà arrivant sur lest et sans passagers, ainsi que tout navire au-dessous de soixante tonneaux qui entrera dans un des havres de cette île, y faisant acte de commerce, payera six pennis par tonneau.

Navires ne faisant pas acte de commerce.

4.—Tout navire qui entrera dans un des havres de cette île et y restera au-delà d'une marée mais sans y faire acte de commerce, payera trois pennis par tonneau.

Navires faisant excursion.

5.—Un navire faisant excursion à quelque partie du bailliage et revenant le même jour, qui ne chargera ou ne déchargera pas de marchandises, ne payera que la moitié des droits auxquels il serait assujetti selon sa classe d'après les articles ci-dessus.

Navires de 20 tonneaux et au-dessous venant d'une partie du bailliage.

6.—Les navires de vingt tonneaux ou au-dessous venant immédiatement de quelque partie du bailliage, pourvu qu'ils n'apportent point de marchandises qui auraient été chargées ailleurs que dans le bailliage, ne paieront que deux pennis par tonneau.

Navires ne paieront pas deux fois pendant même voyage.

7.—Un navire ayant une fois payé les droits de tonnage portés aux articles précédents, selon le cas,

aura pendant le même voyage (pourvu qu'il n'ait pas sorti des eaux du bailliage) la faculté d'entrer dans les autres havres de cette île, sans être assujéti une deuxième fois au paiement des mêmes droits. 1865.

8.—Tout navire qui fera acte de commerce dans cette île ailleurs que dans les havres, sera sujet au paiement des mêmes droits qu'un navire qui fait acte de commerce dans un des havres. Acte de commerce hors des Havres.

9.—Sera censé faire acte de commerce dans cette île tout navire qui y embarque ou débarque des passagers, ou qui y charge ou décharge des marchandises. Acte de commerce.

10.—Un navire s'approvisionnant de vivres, de charbon et d'agrès seulement n'est pas censé faire acte de commerce. Acte de commerce.

11.—Les îles d'Herm et de Jethou sont censées faire partie de cette île. Herm et Jethou.

12.—Sera censé être entré dans le Havre de St. Pierre-Port, tout navire qui passe en dedans d'une ligne tracée depuis le bout du brise-lame du château Cornet jusqu'à la partie sud de la Chaussée St. Julien. Limites du Havre de St. Pierre-Port.

Bien entendu qu'un navire qui mettra à l'ancre dans l'avant-port, c'est-à-dire dans l'enceinte en dedans de la ligne sus-mentionnée, et y restera au-delà d'une marée mais sans accoster les quais du havre et sans s'assujettir au paiement d'autres droits de tonnage, ne payera qu'un penny par tonneau, et s'il ne reste pas une marée, il ne payera rien.

13.—Sont exempts du paiement de tout droit de tonnage:—Les vaisseaux de Sa Majesté et autres vaisseaux d'État; les yachts inscrits sur le rôle d'un yacht club reconnu; les bateaux pêcheurs et les bateaux à huîtres n'ayant point d'autres marchandises à leur bord. Exemption de Droits.

SCHEDULE B.

TARIF DES DROITS PAYABLES POUR L'USAGE DES CARÉNAGES ET DE LA CALE À RADOUB.

1.—Tout navire qui restera dans un des carénages à St. Sampson au-delà de dix jours ouvrables, payera Droits des Carénages.

1865. _____ pour chaque jour au-delà de ce terme un quart de penni par tonneau.

Droits de la
Cale-à-Radoub
pour un jour.

2.—Tout navire de cent tonneaux ou au-dessous, qui fera usage de la cale à radoub pour un jour ou une fraction de jour, payera £1, lorsque la jauge du navire dépassera cent tonneaux, il payera de plus un penni pour chaque tonneau en sus.

Droits de la
Cale-à-Radoub
pour plus
d'un jour.

3.—Tout navire qui restera sur la cale à radoub plus d'un jour ou fraction de jour ouvrable après le premier jour, payera trois quarts de penni par tonneau.

N.B.—Les frais nécessaires pour monter le navire à sec et pour le redescendre à l'eau ne sont pas compris dans les paiements ci-dessus.

(Enregistré sur les Records le 21 Août 1865).

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT
the 7th day of August, 1865

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
LORD CHANCELLOR, &c.

Havre de St.
Pierre-Port.
Chaussée St.
Julien.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 14th day of July, 1865, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That since the improvement of the Harbour of St. Peter-Port was taken in hand in the year 1851, divers works for carrying that object into effect have been from time to time voted by the States and sanctioned by Your Majesty in Council :—That Your Majesty has been graciously pleased to authorise the levying of certain dues to be applied, as well to the current expenses of the said Harbour, as to the cost of executing the work so voted

and sanctioned as aforesaid:—That the dues now levied are regulated by an Order in Council given on the 17th day of December, in the year 1860:—That these dues produce a revenue of eight thousand pounds a year and upwards:—That on the 4th day of July, in the year 1864, the States voted that a Humble Petition should be presented to Your Majesty in Council, praying that Your Majesty would be graciously pleased to sanction certain modifications in the tariff sanctioned by the said Order in Council of the 17th day of December, in the year 1860, the said modifications being calculated to produce an increase of Revenue to the amount of about £1,500 a year:—That by Order in Council of the 7th day of June, 1862, Your Majesty was graciously pleased to authorise the States to apply the Revenue of the Harbour of St. Peter-Port to the construction of certain works that had been voted by the States on the 14th day of May, 1862, for the completion of the St. Julien Pier, which forms the northern arm of the New Harbour, the cost of the said works being estimated at £39,612:—That at an assembly holden on the 10th day of July, in the year 1863, the States voted a plan, whereby it was proposed that the works which had been so voted as aforesaid on the 14th day of May, 1862, should be modified in many respects, with a view to provide more complete accommodation for the use of the vessels carrying Your Majesty's mails, and other steamboats plying with passengers:—That the cost of these modifications is estimated at £14,483 17s. 6d.:—That by two resolutions passed, the one at the assembly so holden as above mentioned on the 10th day of July, 1863, and the other at a subsequent assembly holden on the 20th day of September, 1864, the States decided on executing the said works for the completion of the St. Julien Pier, according to the plan so voted as aforesaid. And humbly praying that

1865.

1865.

Your Majesty may be graciously pleased to authorise the application of the Revenue of the Harbour of St. Peter-Port to the works voted by the States for the completion of the St. Julien Pier, according to the amended plan voted by the States.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to comply with the prayer of the said Petition, and to authorise the application of the revenue of the Harbour of St. Peter-Port, Guernsey, to the works voted by the States of the said Island for the completion of the St. Julien Pier, according to the amended plan voted by the States on the 10th day of July, 1863, and the 20th day of September, 1864.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve thereof, and to authorise the application of the revenue of the Harbour of St. Peter-Port to the works voted by the States of the Island of Guernsey for the completion of the St. Julien Pier, according to the amended plan voted by the said States on the 10th day of July, 1863, and the 20th day of September, 1864.

And Her Majesty doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern are to take notice and govern themselves accordingly.

ARTHUR HELPS.

(Enregistré sur les Records le 17 Mars 1866).

1866.

AT THE COURT AT OSBORNE HOUSE ISLE OF WIGHT

the 16th day of February 1866

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

MARQUIS OF HARTINGTON, &c.

WHEREAS there was this day read at the Board a Havre de St. Pierre-Port. Phare.
 Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 5th day of February, 1866, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth :—That since the improvement of the Harbour of St. Peter-Port was taken in hand in the year 1851, divers works for carrying that object into effect have from time to time been voted by the States and sanctioned by Your Majesty in Council :—That the Old Harbour, as it existed up to the time when the said works were commenced, contained an area of little more than four English acres :—That the works so voted, as aforesaid, comprise two arms, one of which is completed and the other in course of completion, enclosing an area of upwards of fifty English acres :—That the Harbour Light at the head of the Old South Pier no longer suffices for the requirements of vessels frequenting the Port :—That at an Assembly of the States, holden before the Bailiff, on the 18th day of October, in the year 1865, Your Petitioners voted the construction of a new Harbour Light, to be placed at the extremity of the Southern Arm of the New Harbour on a Turret to be erected for the purpose, at a cost estimated at One Thousand Pounds; And humbly praying that Your Majesty may be graciously pleased to authorise the application of the Harbour Funds to the proposed Harbour Light and Turret.

1866.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to comply with the Prayer of the said Petition, and to authorise the application of the Revenue of the Harbour of St. Peter-Port, Guernsey, to the construction of a new Harbour Light, to be placed at the extremity of the Southern Arm of the new Harbour, on a Turret to be erected for the purpose, as voted at an Assembly of the States of that Island, on the 18th day of October, 1865.”

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve thereof, and to authorise the application of the Revenue of the Harbour of St. Peter-Port, Guernsey, to the construction of a new Harbour Light, to be placed at the extremity of the Southern Arm of the New Harbour, on a Turret to be erected for that purpose, as voted at an Assembly of the States of that Island, on the 18th day of October, 1865.

And Her Majesty doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey, and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers, for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

(Enregistré sur les Records le 27 Mai 1867).

1867.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT
the 17th day of May 1867.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 12th day of April, 1867, in the words following, viz. :—

Bénéfices des
paroisses de la
Forêt et de
Torteval.

“YOUR MAJESTY having been pleased by Your General Order of Reference to refer unto this Committee a letter from the Lieutenant-Governor of Guernsey, dated the 10th day of December, 1866, reporting, in obedience to His late Majesty's Order in Council of the 19th of August, 1836, the resignation by the Reverend Daniel Dobrée, Rector of the united parishes of La Forêt and Torteval, in the said Island, of the Rectories of the Parish Churches of La Forêt and Torteval aforesaid :—And it appearing by the said Order, that the Lords of the Committee of Council then reported as their opinion to His late Majesty, that it might be advisable that the united parishes of Torteval and the Forest, and of St. Sampson and the Vale, should be separated at their next avoidance respectively.

“THEIR LORDSHIPS, having taken the said matter into consideration, do humbly report to Your Majesty that it may be advisable for Your Majesty to declare Your Royal Will and Pleasure, that the Benefices of the said Parishes of Torteval and the Forest, in the said Island of Guernsey, be separated, and that a separate Clerk be appointed to each of the said parishes.”

1867.

HER MAJESTY, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof. And Her Majesty doth hereby declare Her Royal Will and Pleasure, that the Benefices of the said Parishes of La Forêt and Torteval, in the said Island of Guernsey, be separated, and that a separate Clerk be appointed to each of the said parishes. Whereof the Lieutenant-Governor of the said Island of Guernsey, for the time being, the States of the said Island, and all others whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

(*Enregistré sur les Records le 13 Juillet 1867*).

AT THE COURT AT WINDSOR

the 26th day of June 1867

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

Loi relative à
l'Établissement
Paroissial.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 26th day of June, 1867, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of Sir Peter Stafford Carey, Knight, Bailiff of the Island of Guernsey, setting forth :—That on the 8th day of December, in the year of our Lord 1866, the Royal Court of Your Majesty's Island of Guernsey, adopted a Bill, or *Projet de Loi*, for the improvement of the Law of Settlement within the Bailiwick of the Island of Guernsey :—That at the request of the Royal Court, the said Bill, or *Projet de Loi*, was laid before the States, in order that if by them approved, it might be submitted to Your Majesty's gracious

consideration:—That at an Assembly holden before Your Petitioner, on the 23rd day of January, in the year 1867, the said Bill, or *Projet de Loi*, after certain amendments therein made, was approved by the States in the form set forth in the schedule hereunto annexed, intituled, “*Loi relative à l’Etablissement paroissiale.*” And humbly praying that Your Majesty would be graciously pleased to sanction the said Bill, or *Projet de Loi*, and to declare Your Royal Will and Pleasure that the same shall have the force of law within the Bailiwick of Guernsey.

1867.

And Your Majesty, having been further pleased to refer unto this Committee a letter of the said Bailiff of the Island of Guernsey, submitting for Your Majesty’s approval an amendment of the 12th section of the said *Projet de Loi*.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken into consideration the said Petition, the said *Projet de Loi*, and the amendment submitted by the said Bailiff, and do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, with the amendment proposed in lieu of the 12th section of the said *Projet* as originally framed, and to declare that the said *Projet de Loi* so amended, shall have the force of law within the Bailiwick of the Island of Guernsey.”

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi* amended as proposed, and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

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And Her Majesty doth hereby further direct that this Order, and the said *Projet de Loi* as amended (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's officers for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly. ARTHUR HELPS.

PROJET DE LOI referred to in the foregoing Order in Council:—

LOI RELATIVE À L'ÉTABLISSEMENT PAROISSIAL.

Habitant de
paroisse y
payant taxe.

1.—Celui qui paye taxe dans une paroisse comme habitant d'icelle y acquiert établissement.

Etranger reçu
habitant.

2.—Un étranger qui est reçu habitant de l'île de Guernesey, acquiert établissement dans la paroisse dont les Officiers ont donné acquiescement à sa réception.

Enfant légi-
time.

3.—Tout enfant légitime appartient de la paroisse de son père.

Dans le cas où le père n'a point d'établissement dans le bailliage de l'île de Guernesey, l'enfant né dans le bailliage qui y aura résidé jusqu'à son âge majeur de vingt ans accomplis acquiert en devenant d'âge, établissement dans la paroisse de sa naissance.

Enfant illé-
gitime.

4.—Tout enfant illégitime appartient de la paroisse de sa mère.

Dans le cas où la mère n'a point d'établissement dans le bailliage, l'enfant né dans le bailliage qui y aura résidé jusqu'à son âge majeur, acquiert, en devenant d'âge, établissement dans la paroisse de sa naissance.

Femme
mariée,

5.—Une femme acquiert par son mariage établissement dans la paroisse de son mari. Elle suit les changements de paroisse de son mari pendant le

mariage. Après la mort du mari elle appartient de la paroisse où il était établi lors de son décès.

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Dans le cas où le mari n'a point d'établissement paroissial, et n'en acquiert pas pendant le mariage, elle reprend, à la mort de son mari, l'établissement paroissial qu'elle avait lors de son mariage; et même durant le mariage, si son mari l'abandonne, ou si elle devient à charge pendant qu'il est absent du bailliage, elle doit être secourue par la paroisse où elle était établie lors du mariage.

6.—Tout sujet de Sa Majesté qui, après avoir servi un apprentissage de cinq ans dans le bailliage, aura résidé pendant cinq ans consecutifs, avant d'avoir atteint l'âge de trente ans, dans une paroisse, sans y être devenu à charge, acquerra établissement dans ladite paroisse à l'expiration des cinq ans de résidence.

Sujet de Sa Majesté qui aura servi apprentissage de 5 ans dans le Bailliage et aura résidé 5 ans dans une paroisse avant l'âge de 30 ans.

7.—Celui qui étant non marié aura servi comme domestique après l'âge de vingt ans pendant dix ans consecutifs dans une paroisse, y acquerra établissement à l'expiration des dix ans.

Domestique non-marié.

8.—Celui qui aura résidé dix ans dans une paroisse, et aura occupé pendant l'entier de ce temps une maison ou plusieurs maisons consecutivement, étant locataire de telle maison ou maisons pour son usage et celui de sa famille seulement, à raison d'un loyer annuel de douze livres ou plus, acquerra établissement dans ladite paroisse à l'expiration des dix ans.

Résidence de 10 ans de locataires.

9.—Celui qui étant devenu propriétaire de maisons ou terres de la valeur de sept quartiers ou au dessus, déduction faite des rentes, redevances, et obligations enregistrées, aura résidé pendant trois ans consecutifs dans la paroisse où telles maisons ou terres sont situées, et aura continué d'en être le propriétaire durant lesdits trois ans, y acquerra établissement à l'expiration de trois ans.

Résidence de 3 ans de Propriétaires de maisons ou terres.

10.—Celui qui, n'ayant point d'établissement paroissial dans le bailliage, y aura résidé pendant le terme

Résidence de 20 ans.

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de vingt ans consécutifs après son âge majeur, sans avoir reçu des secours publics (excepté pour cause de maladie temporaire ou d'accident), acquerra établissement, à la fin desdits vingt ans, dans la paroisse où il aura résidé le plus long temps pendant ledit terme.

Perte d'Établissement.

11.—Celui qui, n'ayant point d'établissement paroissial dans ce bailliage, aura acquis établissement dans une paroisse aux fins des articles 6, 7, 8, 9 ou 10 de la présente loi, perdra ledit établissement après trois ans consécutifs d'absence du bailliage.

Soldats.

12.—Tout soldat des armées de Sa Majesté en garnison dans le bailliage, qui y a femme ou enfants, sera tenu de paraître devant justice lorsque requis par un connétable, et de donner information par serment par rapport au lieu de son établissement légal, laquelle information sera enregistrée sur les records, et sera admise comme preuve de l'établissement légal dudit soldat, quand même il serait mort ou absent du bailliage. À défaut de telle information, la déclaration que tel soldat aura faite lors de son engagement, anglicé "*enlistment*," par rapport au lieu de sa naissance, sera admise comme preuve de son établissement légal.

13.—Toute personne détenue en prison pour cause de crime pourra être amenée devant justice à l'effet de donner information par serment par rapport au lieu de son établissement légal.

(Enregistré sur les Records le 13 Juillet 1867).

AT THE COURT AT WINDSOR

the 26th day of June 1867

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT, &c.

Extradition
des Accusés
en Crime.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and

Jersey, dated the 22nd day of June, 1867, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of Sir Peter Stafford Carey, Knight, Bailiff of the Island of Guernsey, setting forth :—That by two Acts of the Imperial Parliament passed in the year 1848, certain provisions were made for the extradition of offenders between England and the Islands, comprised within the Bailiwick of Guernsey :—That these provisions having been found insufficient, the extradition of offenders escaping from England to the Islands above mentioned was further provided for by an Act passed in the year 1851 ; but no corresponding provision was made for the extradition of offenders escaping from the said islands to England :—That the difficulty that has been experienced arises from there not being in the said Bailiwick any officer having jurisdiction to issue a warrant, or process, in the nature of a warrant, for the apprehension of offenders, the only process of the kind being in the form of an Act of Court, authenticated by no other signature than that of the Greffier :—That the only provision made by Parliament authorising the extradition of offenders escaping from Jersey to any part of the Bailiwick of Guernsey, or *vice versâ*, is contained in a Statute passed in the year 1843, the operation of which extends only to cases of treason, and to such felonies as are not in England triable at Quarter Sessions, a limitation in itself exceedingly narrow, and one which in Guernsey it is obviously difficult to deal with as applied to offences committed against the law of Jersey :—That in order to remedy these evils, so far as regards the Criminal procedure of the Island of Guernsey, the Royal Court of the said Island, at the Chief Pleas holden on the 21st day of January, in the

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present year 1867, adopted a Bill, or *Projet de Loi*, intituled, "*Loi relative à l'Extradition des accusés en cas de crime*," in order that if approved by the States, the same might be submitted to Your Majesty's gracious consideration:—That at an Assembly holden before the Petitioner, on the 1st day of March, in the year aforesaid, the States approved the said Bill, or *Projet de Loi*, in the form set forth in the schedule hereunto annexed:—That by the first section of the said Bill or *Projet de Loi*, power is given to the Bailiff or his Lieutenant to issue in certain cases process in the nature of a warrant for the apprehension of offenders:—That by the second section power is given to the Bailiff or his Lieutenant to endorse warrants duly issued in Jersey:—That in approving the said Bill or *Projet de Loi*, the States authorised the Petitioner most humbly to represent to Your Majesty that the interests of justice require that the Bailiff of Jersey should be invested with authority to endorse warrants duly issued in Guernsey. And humbly praying that Your Majesty may be graciously pleased to sanction and ratify the said Bill or *Projet de Loi*, intituled, "*Loi relative à l'Extradition des accusés en cas de crime*," and to declare Your Royal Will and Pleasure that the same shall have the force of law within the Bailiwick of Guernsey.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken the said Petition and the said *Projet de Loi* into consideration, and do humbly agree to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to declare that the same shall have the force of law within the Bailiwick of the Island of Guernsey."

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

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And Her Majesty doth hereby further direct that this Order and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

PROJET DE LOI referred to in the foregoing Order in Council:—

LOI RELATIVE À L'EXTRADITION DES ACCUSÉS
EN CAS DE CRIME.

1.—Lorsqu'un décret de prise de corps aura été décerné pour cause de crime, aux fins d'acte de la Cour Royale de l'île de Guernesey, le Baillif de ladite île ou son Lieutenant est autorisé à signer un mandat anglicé "*Warrant*" pour l'arrestation de l'individu dénommé dans ledit décret, afin qu'il soit amené devant justice; et ledit mandat servira de base aux procédures qui pourront être prises hors du bailliage pour l'extradition dudit individu.

2.—Le Baillif de l'île de Guernesey, ou son Lieutenant, lorsqu'un mandat pour l'arrestation d'un accusé pour cause de crime, signé par le Baillif de l'île de Jersey, ou par son Lieutenant, lui est exhibé, est autorisé à endosser ledit mandat, suivant le modèle annexé à la présente loi; et tel endossement sera une

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autorité suffisante pour l'exécution du mandat dans le Bailliage de ladite île de Guernesey, afin que l'accusé dénommé dans ledit mandat soit amené devant justice dans l'île de Jersey.

MODÈLE D'ENDOSSEMENT.

Attendu qu'il a été déclaré par serment devant moi, soussigné, Baillif de l'île de Guernesey, que la signature de _____ au pied du mandat, en l'autre côté, est véritablement celle de _____ Baillif de l'île de Jersey, j'autorise par ces présentes lequel m'exhibe ledit mandat, et tous les Connétables et Assistants-de-Connétables dans le Bailliage de Guernesey, à exécuter ledit mandat dans ledit Bailliage de Guernesey.

Guernesey ce

Baillif de Guernesey.

(Enregistré sur les Records le 14 Mars 1868).

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT
the 29th day of February 1868.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD CHANCELLOR, &c.

Entretien des
Enfants Illé-
gitimes.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of February, 1868, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee the Humble Petition of Sir Peter Stafford Carey, Knight, Bailiff of Guernsey, setting forth :—That the law of Guernsey as regards the maintenance of illegitimate children is defective in many respects :—That for the amendment thereof, a *Projet* or Bill, intituled, “ *Loi relative*

à l'Entretien des Enfants Illégitimes" (as set forth in the schedule thereunto annexed), was at the Chief Pleas after Christmas, holden on the 21st day of January, in the year 1867, adopted by the Royal Court, in order that, if adopted by the States, the same might be submitted to Your Majesty's gracious consideration:—That at an Assembly holden before Your Petitioner, on the 30th day of October, in the year 1867, the States passed a resolution whereby the said *Projet* or Bill was by them approved.

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And humbly praying that Your Majesty would be graciously pleased to ratify the said Bill or *Projet*, and to declare Your Royal Will and Pleasure that the provisions thereof shall have the force of law within the Bailiwick of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken into their consideration the said Petition, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the provisions thereof shall have the force of law within the Bailiwick of the said Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of the Island of Guernsey.

And Her Majesty doth hereby further direct that this Order, and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-

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Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

PROJET DE LOI to which reference is made in the foregoing Order :—

LOI RELATIVE À L'ENTRETIEN DES ENFANTS
ILLÉGITIMES.

1.—L'action pour la garde nourriture et entretien d'un enfant illégitime se prescrit par le laps d'an et jour, à compter de la naissance de l'enfant, à moins que :—

- 1° Il y ait reconnaissance de paternité par écrit, ou
- 2° Il y ait un engagement par écrit signé par la partie qu'on voudrait rendre responsable, ou que
- 3° Ladite partie ait contribué par paiement ou autrement à ladite garde, nourriture et entretien de l'enfant avant le laps dudit jour et an.

2.—Tout acte de Cour adjugeant le paiement d'une pension pour la garde, nourriture et entretien d'un enfant illégitime sera sans force, et de nul effet, en ce qui regarde la garde, nourriture et entretien de l'enfant, après qu'il aura atteint l'âge de quatorze ans ; tout engagement par écrit par rapport à la garde, nourriture et entretien d'un enfant illégitime, sera pareillement sans force et de nul effet après ledit âge, à moins qu'il ne soit autrement stipulé dans ledit engagement.

(Enregistré sur les Records le 30 Mai 1868).

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AT THE COURT AT WINDSOR
the 14th day of May 1868

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
LORD PRESIDENT, &c.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 11th day of May, 1868, in the words following, viz. :—

Application
du Revenu du
Havre de St.
Samson pour
la Chaussée de
Blanchelande.

“YOUR MAJESTY, having been pleased by Your General Order of Reference, to refer unto this Committee the Humble Petition of the States of the Island of Guernsey, setting forth:—That by Your Majesty's Order in Council of the 5th day of July, 1865, Your Majesty was graciously pleased to order and direct that the dues levied in the Harbour of Saint Sampson's, in the Island of Guernsey, should be applicable (among other things) to the cost of erecting and maintaining such Piers or other Harbour Works on the coasts of the Island, as Your Majesty in Council might be pleased to authorise on the Petition of the States:—That in the month of December, 1866, a Petition was presented to the Bailiff, as President of the States, by certain Pilots, Fishermen and Mariners, setting forth that a Pier was greatly needed in the neighbourhood of Saints Bay, in the Parish of Saint Martin's, for the protection of fishing boats:—That in the month of June, 1867, Mr. Duquemin, *Surintendant des travaux des Etats*, furnished a plan for the proposed works at an estimated cost of £2,400:—That on the 7th of January, 1868, Captain Nicholas Lefebvre, of Your Majesty's Royal Navy, whose ancestors have been Seigneurs of the adjoining Fief of Blanchelande ever

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since the original grant from the Crown to Nicholas Carey in 1563, addressed a letter to the Bailiff signifying his desire to co-operate in the construction of the proposed works, and in furtherance of this object placing at the disposal of the States the sum of £500 stg., together with the power of quarrying stone to the extent of his Seignorial Rights:—That on the 4th of March, 1868, Your Petitioners, accepting with gratitude the generous offer made to them by Captain Lefebvre, voted, subject to Your Majesty's sanction, the construction of the proposed Pier or "*Chaussée de Blanchelande*," according to the plan above referred to.

And humbly praying that Your Majesty may be graciously pleased to authorise the construction of the Pier or "*Chaussée de Blanchelande*," voted by the States on the 4th of March, 1868, and further to authorise Your Petitioners to apply the Revenues of Saint Sampson's Harbour, as well to so much of the cost of erecting the said Pier or *Chaussée* as shall not be covered by Captain Lefebvre's donation, as also to the cost of maintaining the said Pier or *Chaussée* when constructed."

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's Order of Reference, have this day taken the said Petition into consideration, and do agree humbly to report as their opinion to Your Majesty that it may be advisable for Your Majesty to comply with the prayer of the said Petition, and to authorise the construction of the Pier or "*Chaussée de Blanchelande*," as voted by the States on the 4th of March, 1868, and further to authorise the application of the Revenues of St. Sampson's Harbour, as well to so much of the cost of erecting the said Pier or *Chaussée*, as shall not be covered by Captain Lefebvre's donation,

as also the cost of maintaining the said Pier or *Chaussée* when constructed.” 1868.

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve thereof, and to authorise the construction of the Pier or “*Chaussée de Blanchelande*,” as voted by the States of the Island of Guernsey, on the 4th day of March, 1868, and further to authorise the application of the Revenues of St. Sampson’s Harbour, as well to so much of the cost of erecting the said Pier or *Chaussée*, as shall not be covered by Captain Lefebvre’s donation, as also to the cost of maintaining the said Pier or *Chaussée* when constructed.

And Her Majesty doth hereby further direct that this Order be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

(*Enregistré sur les Records le 4 Juillet 1868*).

AT THE COURT AT WINDSOR

the 19th day of June 1868

PRESENT

THE QUEEN’S MOST EXCELLENT MAJESTY

LORD PRESIDENT, &c.

WHEREAS the States of the Island of Guernsey did by their Humble Petition to the Queen in Council, dated the 26th November, 1867, represent and shew that the Friendly Societies Acts now in force in the United Kingdom have never been registered in the Island of Guernsey:—That although it was contemplated by the Imperial Legislature that the said Acts should extend to the Channel Islands, many of the

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Societies.

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most important provisions thereof are nevertheless so drawn as to be inoperative within the Bailiwick of Guernsey:—That at the Chief Pleas after Christmas, holden on the 21st day of January, in the year 1867, a Memorial was presented to the Court by the representatives of the Guernsey Branch of the Manchester Unity Friendly Society, praying that the subject might be taken into consideration, with a view to the adoption of adequate measures:—That on the 13th day of July, in the said year 1867, the Royal Court passed an Act whereby the Bailiff was requested to propose to the States to present a Petition to Her Majesty in Council, praying that Her Majesty would be graciously pleased to order that the said Acts of Parliament should be registered in Guernsey, and at the same time to declare Her Royal Will and Pleasure upon certain points specified in the said Act of Court for the purpose of giving operation to the said Acts of Parliament; and that certain other points of the like nature were afterwards added to those contained in the said Act of Court:—That the matter was accordingly submitted to the States at an Assembly holden before the Bailiff, on the 30th day of October, in the said year 1867:—That in accordance with the recommendation of the Royal Court, the States then decided on presenting a Petition to Her Majesty in Council for the purposes above mentioned, humbly praying:—

First, that Her Majesty would be graciously pleased to order and direct that the Friendly Societies Acts now in force, to wit:—

1.—An Act of the 18th and 19th Victoria (cap. 63) intituled “An Act to consolidate and amend the Law relating to Friendly Societies.”

2.—An Act of the 21st and 22nd Victoria (cap. 101) intituled “An Act to amend the Act of the 18th and

19th year of Her present Majesty, chapter sixty-three, relating to Friendly Societies," and, 1868.

3.—An Act of the 23rd and 24th Victoria (cap. 58) intituled "An Act to amend the Act of the eighteenth and nineteenth years of Her Majesty, relating to Friendly Societies," should be transmitted to Guernsey for the purpose of being registered there.

Secondly, that Her Majesty should be graciously pleased to declare Her Royal Will and Pleasure.

1.—That the Registrar of Friendly Societies appointed for England should have, with respect to Friendly Societies within the Bailiwick of Guernsey, the same powers which by virtue of the above mentioned Acts he exercises with respect to Friendly Societies in England.

2.—That the Courts of Primary Jurisdiction within the said Bailiwick should have all such powers and authorities as are by the said Acts conferred, either on Justices of the Peace or on Judges of County Courts in England, provided that a sentence might be appealed from if the case admitted of an appeal; but that the decision of the Royal Court when sitting in a body as a Court of Appeal should be final.

3.—That when any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by the said Acts, be paid to the deceased member's legal representative according to the laws of Guernsey.

4.—That all Friendly Societies within the said Bailiwick should be authorised to invest any part of their funds in the States Bonds either of Guernsey or Alderney.

NOW THEREFORE it is this day ordered by Her Majesty, by and with the advice of Her Privy Council, that the said Acts be registered and published in the

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Island of Guernsey, not as being essential to their operations therein, but that Her Majesty's subjects in the said Island may have notice of the said Acts having passed, and that they are bound thereby.

And it is further ordered by Her Majesty, by and with the advice of Her Privy Council, that the prayer of the said Petitioners, thereby secondly made, shall be and the same is hereby granted.

And the Lieutenant-Governor or Commander-in-Chief for the time being of the Island of Guernsey and its dependencies, and all other persons whom it may concern are to take notice of Her Majesty's pleasure hereby signified, and govern themselves accordingly.

ARTHUR HELPS.

(Enregistré sur les Records le 29 Août 1868).

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT
the 30th day of July 1868

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY
DUKE OF BUCKINGHAM AND CHANDOS, &c.

Taxation
Paroissiale.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 28th day of July, 1868, in the words following, viz. :—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st March, 1862, to refer unto this Committee the Humble Petition of Sir Peter Stafford Carey, Knight, Bailiff of the Island of Guernsey, setting forth:—That in the month of July, 1866, a *Requête* was presented to the Royal Court on the part of the Constables and Douzeniers of the Town and Parish of Saint Peter-Port, acting as a Committee duly appointed by the *Chefs de Famille* of the same, setting forth (among other things):—That for many years it had been generally acknowledged within the said town and parish that the Ordinance

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in force relating to Parochial Taxes was unjust in its principle and defective in its operation, and praying that certain measures in the said *Requête* set out might be adopted with reference to the levying of the Parochial Taxes within the said town and parish:—That on this *Requête* being presented, the Royal Court, after deciding that any legislative measure to regulate the basis of Parochial Taxation ought to be general for the whole Island, adjourned the matter for further consideration:—That after the subject matter of the *Requête* had been on several occasions discussed in open Court and counsel heard, as well on behalf of those by whom the *Requête* had been presented, as also on behalf of those who opposed it, the Royal Court, at the Chief Pleas after Christmas, holden on the 20th day of January, 1868, adopted a Bill or *Projet de Loi* in order that, if approved by the States, it might be submitted to Your Majesty's Gracious consideration:—That at an Assembly holden before Your Petitioner on the 4th day of March, 1868, and afterwards by adjournment on several other days, the States, after having introduced numerous amendments, finally, on the 18th day of the said month of March, approved the Bill or *Projet* in the form set forth in the schedule thereunto annexed.

And humbly praying that Your Majesty would be graciously pleased to sanction and ratify the said Bill or *Projet*, and to declare Your Royal Will and Pleasure that the provisions thereof shall have the force of law within the Island of Guernsey.

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have this day taken into their consideration the said Petition and the said *Projet de Loi*, as well as a Petition from certain inhabitants of the said Island of Guernsey against the confirmation of the said *Projet de Loi*, and

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do agree humbly to report as their opinion to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said *Projet de Loi*, and to order that the provisions thereof shall have the force of law within the Island of Guernsey.”

HER MAJESTY having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Guernsey.

And Her Majesty doth hereby further direct that the Order and the said *Projet de Loi* (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ARTHUR HELPS.

PROJET DE LOI to which reference is made in the foregoing Order :—

LOI RELATIVE A LA TAXATION PAROISSIALE.

TITRE I.

CLASSIFICATION DES OBJETS.

Objets de Taxe
divisés en
deux classes.

1.—Les objets pour lesquels les deniers se lèvent, dans les paroisses de cette île, seront dorénavant distribués en deux classes.

Objets de la
1re Classe.

2.—Dans la Première Classe sont compris les objets qui suivent :—

L'entretien des pauvres, tant habitants qu'étrangers, y compris les besoins des Hôpitaux et les Salaires des Chirurgiens.

Les besoins du Trésor de l'Eglise, y compris l'entretien du Presbytère.

Les besoins des Ecoles Paroissiales.

1868.

L'Administration Paroissiale et les frais encourus par les Connétables dans l'exercice de leurs fonctions, y compris les loyers et frais de Commis.

L'Eclairage.

La Police Salariée, dans le cas où une Assemblée des Chefs de Famille en aura autorisé l'établissement.

3.—Dans la deuxième classe sera compris tout objet paroissial non compris dans la première classe, et nommément :—

Objets de la 2^{me} Classe.

Le Nettoiement des Rues.

Les Pompes et les Citernes Publiques.

Les Pompes à Incendie.

L'Inspection Sanitaire.

Les Rentes dues par la paroisse.

Les Egouts et les Tonnelles.

Les Améliorations Publiques.

Les Frais du Cadastre.

TITRE II.

OBJETS DE LA PREMIÈRE CLASSE.

4.—Les Taxes pour les objets de la Première Classe se lèveront :—

Personnes et Héritages sur lesquels Taxe de 1^{re} Classe sera levée.

1° Sur les personnes qui habitent la paroisse, et ce sur autant de quartiers de froment de rente que chacun possède, ou que vaut son capital ou bien effectif, à l'exception de ses héritages situés hors de l'île.

2° Sur tout héritage situé dans la paroisse étant propriété particulière, dont le propriétaire n'est pas à la taxe dans aucune des paroisses de cette île, et dont la valeur en quartiers présente un bon de huit quartiers, déduction faite des rentes dues sur le fonds.

5.—En faisant l'estimation du capital ou bien

Estimation du Capital ou Bien effectif.

1868.

effectif, la somme de £25 sterling sera censée équivaloir à un quartier de froment de rente.

Cour passera Ordonnances pour constater montant de capital ou bien effectif.

6.—Pour arriver à connaître le montant du capital ou bien effectif d'un chacun, sera la Cour Royale autorisée à passer telles Ordonnances que dans sa sagesse elle croira nécessaires.

Etrangers sujets à être taxés après 3 ans de résidence.

7.—Un étranger ne sera sujet à être taxé qu'après avoir résidé trois ans dans cette île; à la fin de ce temps il sera taxé dans la paroisse de sa résidence.

Chefs-de-Famille d'une Paroisse n'ayant pas Cadastre peuvent voter taxe de 2me Classe n'excédant pas 1d. par Quartier.

8.—Il sera loisible aux Chefs de Famille d'une paroisse, s'il n'y a pas de Cadastre pour ladite paroisse, de délibérer que des deniers seront levés pour les objets compris dans la Deuxième Classe, au moyen d'une taxe, pourvu que le montant requis pour l'année n'excède pas la somme d'un penni par quartier sur le total de quartiers compris dans la liste précédente.

TITRE III.

OBJETS DE LA DEUXIÈME CLASSE.

Héritages sur lesquels taxes de 2me Classe seront levées.

9.—Les deniers requis pour les objets de la Deuxième Classe seront levés par des contributions foncières sur les héritages, situés dans la paroisse, après que lesdits deniers auront été votés par une délibération des Chefs de Famille de ladite paroisse, étant propriétaires fonciers en icelle, bien entendu qu'une délibération paroissiale ne sera pas nécessaire en ce qui regarde le paiement des rentes dues par la paroisse.

Cadastre.

10.—Les contributions foncières se lèveront d'après un Cadastre, lequel sera dressé par les Connétables et Douzeniers de la paroisse et sera rectifié d'an en an. Et pourront lesdits Connétables et Douzeniers (s'ils le jugent à propos), se faire assister par des experts sermentés à cet effet.

Cadastre.

11.—Le Cadastre énoncera :—

La désignation de la propriété.

Le nom du propriétaire.

Le nom de l'occupant.

L'arpentage du terrain.

1868.

La valeur locative.

La valeur contribuable.

Il contiendra aussi une colonne additionnelle dans laquelle sera inséré après le remède accordé,—

Le montant de la contribution.

12.—Les maisons et autres édifices contribueront d'après leur valeur locative, déduction faite de vingt pour cent.

Contribution pour Maisons et Edifices.

13.—Les terres contribueront sur la moitié de leur valeur locative.

Contribution pour Terres.

Bien entendu que les terres non-labourables, dépendantes d'une maison, seront censées en former partie.

14.—En ce qui regarde la levée des deniers au moyen de contributions foncières, chaque livre sterling de la valeur locative sera estimée à un quartier de froment de rente.

Evaluation de la valeur locative.

15.—Les contributions foncières seront payées par le propriétaire.

Contributions foncières payables par le propriétaire.

16.—Le propriétaire pourra (à moins qu'il ne soit stipulé du contraire), se faire rembourser par son locataire les deux tiers des contributions foncières, pourvu que le louage soit pour le terme d'une année pour le moins, à raison de douze livres sterling pour le moins: et sera le montant du rembours censé être dû comme surcroît du loyer, et avec le même privilège.

Locataires seront responsables pour $\frac{2}{3}$ des Contributions foncières.

17.—Les Forts, la Cour Royale, la Prison Publique, les lieux dévoués exclusivement au Culte Religieux, les Ecoles Paroissiales, les Cimetières Paroissiaux, les Hôpitaux, l'Arsenal, et les autres propriétés semblables sont exemptées des contributions foncières.

Bâtiments publics exemptés.

18.—Après la confection ou la rectification du Cadastre, les Connétables de la paroisse donneront connaissance, par le moyen d'une annonce dans la Gazette autorisée pour les annonces judiciaires, que le

Cadastre sera déposé pour inspection.

1868.

Cadastre sera déposé à un lieu désigné dans ladite annonce, pour l'inspection des contribuables, pendant quinze jours dénommés.

Pendant cette quinzaine tout contribuable pourra signifier aux Connétables, par le Sergent de la Reine, qu'il y a dans le Cadastre quelque inexactitude par laquelle il est lésé, et nommément :—

1° Que certains héritages désignés n'y figurent pas.

2° Que certains héritages désignés y figurent pour moins qu'ils ne valent.

3° Que certains héritages désignés y figurent pour plus qu'ils ne valent.

Bien entendu que le fait de n'avoir pas envoyé une signification aux fins que dessus n'empêchera pas un contribuable de disputer le montant de sa contribution pour des raisons qui lui sont particulières.

Révision du
Cadastre.

19.—Sur les significations envoyées, les Connétables et Douzeniers pourront corriger le Cadastre, après quoi (s'il y a lieu), ils prieront la Cour Royale d'autoriser un Commis, pour devant ledit Commis, régler les différends élevés par les significations, et le Cadastre sera arrêté par le Commis, après avoir entendu les parties, avec faculté au dit Commis dans chaque cas (s'il le juge à propos), de remettre le différend à la Cour Ordinaire, dont la décision sera finale.

Confirmation
du Cadastre.

20.—Toute demande à la Cour pour l'autorisation de lever des contributions foncières, devra narrer que le Cadastre a été dûment déposé au lieu désigné par les Connétables aux fins de l'Article 18, devra demander la confirmation du Cadastre, et devra énoncer la somme par quartier qu'il est proposé de lever.

Opposition au
Remède.

21.—Les propriétaires dont les noms figurent sur le Cadastre auront la faculté de s'opposer au remède pour la levée des contributions foncières.

Usufruitiers
et Saisis censés
Propriétaires.

22.—La désignation de Propriétaire comprend les Usufruitiers et les Saisis.