

ORDRE EN CONSEIL.

(Enregistré le 29 Novembre 1902.)

LOI RELATIVE AUX ASSEMBLÉES PAROISSIALES.



Guernsey :

COMPAGNIE D'IMPRIMERIE DE RICHARD, LIMITEE,
RUE DU BORDAGE.

1902.

ORDRE EN CONSEIL.



Le 29 Novembre 1902, pardevant Henry Alexander Giffard, écuyer, Baillif; présents : etc.

M. le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Son Conseil en date du 19 Novembre 1902, ratifiant un Projet de Loi intitulé "Loi relative aux Assemblées Paroissiales," la Cour, après lecture du dit Ordre, ouïes les conclusions des Officiers du Roi a ordonné que ledit Ordre sera enregistré sur les Records de cette île, duquel Ordre la teneur suit :—

AT THE COURT AT WINDSOR,

The 19th day of November, 1902.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,	LORD SUFFIELD,
LORD CHAMBERLAIN,	SIR DIGHTON PROBYN.

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 day of October, 1902, in the words following, viz. :—

"YOUR MAJESTY having been pleased by Your General Order of Reference of the 24th day of January, 1901, to refer unto this Committee the humble Petition of the States of the Island of

Guernsey, setting forth 1. that on the 21st day of August a Petition was presented to the States of that Island, signed by several members of the States and dated the 9th July, 1901, a translation of which is as follows:—

‘To Sir T. Godfrey Carey, Knight, Bailiff, President of the States of the Island of Guernsey.

‘The Humble Petition of the undersigned Members of the States of the Island of Guernsey.

‘SIR,

‘From time almost immemorial our Island has been governed by written Laws added to from time to time, and by unwritten Laws, otherwise termed customs, which have served as guide in the administration of public business in our respective parishes.

‘With all due respect to our ancestors, we acknowledge that there was a time at which an advanced education was scarce, and that with the exception of a few individuals scattered here and there, the clergy alone appeared to be educated; from thence probably came the cause that the clerical element was almost supreme in the Island.

‘At the present time all has undergone a change. Thanks to the great progress of civilisation and of education within the reach of nearly everyone, there are numbers of capable men forming the respective Douzaines of the Island, and a larger number outsiders preparing to become useful citizens, all able to take upon themselves a portion of the burden hitherto willingly or unwillingly put on the backs of the Clergy.

‘The duty of the clergyman that is to say as Minister of the Gospel, having the spiritual charge of the souls of his parish, is too holy a duty for him to be taken up with the direction or the presidency of political matters which occupy to such

an extent the minds of the inhabitants of the respective parishes of this Island. We think therefore, Sir, that the time is come for a clear and precise distinction to be made between the manner of convoking and presiding over purely ecclesiastical meetings and the manner of convoking and presiding over Meetings the business of which is purely secular or civil.

‘That since the year 1886, the parish of St. Peter-Port, by an agreement made with the Revd. W. Guille, then Rector, the secular matters were separated from the ecclesiastical, giving to the Constables the privilege of calling and of presiding over parish meetings for civil or secular matters, which has worked well.

‘That since the year 1870, the parish of St. Martin, by a similar agreement with the Revd. C. D. P. Robinson, then Rector, followed suit.

‘That since the year 1882, the Castel Parish, notwithstanding a protest drawn up by the Rector and Churchwardens, but which was not insisted upon before the Royal Court, has followed in the track of the two above-named parishes.

‘That since the year 1872, the parish of St. Peter-in-the-Wood, by an agreement made with the Revd. Carey Brock, then Rector of the said Parish, has followed in the same track.

“That the parish of St. Sampson wished to follow in the path of progress adopted by the above-named parishes, but on account of the opposition which was raised, and of an adverse decision of the Royal Court of the 15th June, 1901, found it impossible to do so.

‘We most humbly of you, Sir, in convening a Meeting of the States of Deliberation at an early date, to beg the members of the States to take into consideration the following considerations :—

‘1. That one uniform system should exist in all the parishes of the island, so far as relates to the manner of convening, presiding, and holding of Parish Meetings.

‘2. That we believe that the moment is arrived at which ecclesiastical business should be separated from civil business in every parish.

‘Your Petitioners pray that you will take the necessary steps to enable the States, in their wisdom, to arrive at a favourable solution, and prepare an Ordinance giving effect to the prayer of this Petition.’

‘We have the honour to be

&c., &c.,

‘The 9th July 1901.’

2. That the allegations of fact, as distinguished from opinion, in the said Petition of members of and States are believed to be correct; that it is the fact that according to the customary unwritten Law of the Island the ordinary business whether Ecclesiastical or secular of a Parish is or ought to be put to the vote of Meetings of the Ratepayers or Chefs-de-famille of the Parish held from time to time as occasion may require: 3. that it is also the fact that with the exception of the deviations from custom which have taken place in some of the parishes in consequence of the several informal agreements referred to in the Petition (which however have never been recognised as having the force of Law) it has been the practice for the Rector of each parish to convoke, preside over, conduct and record the resolutions of all Meetings of Ratepayers of his parish whether for Ecclesiastical or secular affairs without distinction: 4. that it is also the fact that the Royal Court on the 15th of June, 1901, refused to recognise as valid a Resolution of a Meeting of the Ratepayers of St. Sampson's which had not been

convened or presided over in accordance with the prescribed and recognised custom : 5. that the result of the deviations from custom which were introduced pursuant to the so-called agreements mentioned in the Petition has been to introduce a considerable amount of diversity and confusion in the practice of the different Parishes, those which have adopted the several informal agreements being unwilling to relinquish the reforms which were supposed to have been introduced and some, though not all, of the other Parishes being desirous of adopting the same or similar reforms : 6. that the subject matter of the said Petition came before the States on the 30th of October, 1901, and by a Resolution of that date the States approved of the general principles laid down in the Petition and appointed a Committee charged with the preparation of the outlines of a Bill or *Projet de Loi* to give effect to the desires of the Petitioners : 7. that the Committee met on several occasions and duly considered the Petition and finally on the 24th January, 1902, settled the outline of a Bill or *Projet de Loi* and incorporated the same in their Report of the same date : 8. that the said Report was duly presented to the States and was debated and considered paragraph by paragraph at a Meeting of the States held on the 19th March, 1902 ; that by a Resolution of that date, the States were pleased to approve of and adopt the recommendations of the Committee with certain modifications and referred the same to the Royal Court, with a request that that Body would prepare a Bill giving effect thereto : 9. that the Royal Court on the 12th July, 1902, considered a Bill which had been prepared and settled in accordance with the request of the States, and after hearing the Crown Officers adopted the same with some formal alterations, and requested the Bailiff to lay the same before the States in order that if approved it might be

submitted to Your Majesty in Council for Your Majesty's most gracious sanction : 10. that on the 27th August, 1902, the States of the Island considered the Bill so prepared by the Royal Court and by their Resolution of that date adopted the same without alteration and authorized the Bailiff in the name of the States to present a humble Petition to Your Majesty in Council praying Your Majesty to give it Your Royal sanction ; and most humbly praying that Your Majesty would be graciously pleased to grant Your Royal sanction to the said Bill or *Projet de Loi* intituled '*Loi relative aux Assemblées Paroissiales,*' and to declare it to be Your Royal Will and Pleasure, that the same should have force of Law within 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 of the States and the said *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 declare that the same shall have the force of Law within the Island of Guernsey."

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His 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 His 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 His 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.

(Signé),

A. W. FITZROY.

PROJET DE LOI referred to in the foregoing Order in Council.

Loi Relative aux Assemblées Paroissiales.

1.—A partir de la date où un ordre de Sa Majesté en Conseil approuvant ce Projet de Loi aura été enregistré sur les Records de l'île, tous les articles ci-dessous énumérés auront force de loi; et à partir de la même date toute loi, ordonnance ou coutume qui sera incompatible avec aucun des mêmes articles sera censée être abrogée et annulée. Pourvu toujours, que toutes les choses et démarches qui auront été faites ou qui se feront d'après une délibération de paroisse adoptée avant la même date conformément aux lois et coutumes actuellement en force seront censées légales, les provisions de la présente loi nonobstant.

2.—Les affaires de chaque paroisse se diviseront désormais en deux classes :—

1° Les Affaires Ecclésiastiques, et

2° Les Affaires Séculières.

3.—Sera censée Affaire Ecclésiastique toute affaire qui regardera :—

1° La fabrique de l'Eglise et des Cimetières qui en dépendent,

2° Le Trésor,

3° La Cure,

4° Les Pauvres (excepté les pauvres de la paroisse de St. Pierre-Port en tout ce qui a rapport à l'administration des pauvres sous la loi spéciale, présentement en force.)

5° Les Curateurs du Trésor, Procureurs et et Collecteurs des Pauvres et autres Officiers de l'Église et de l'Administration des Pauvres, et la passation au vide de leurs comptes respectifs.

6° Toutes les autres Affaires Ecclésiastiques, s'il y en a.

4.—Sera censée Affaire Sécultière, toute affaire qui regardera :—

1° Les Connétables et les autres Officiers Sécultières de la Paroisse aussi leurs élections et la passation au vide de leurs comptes.

2° L'Instruction des enfants autant qu'il n'y sera pas pourvu par les lois spéciales de temps en temps en force.

3° Toutes les autres Affaires Sécultières, s'il y en a.

5.—Pour être dûment convoquées les Assemblées pour les Affaires Ecclésiastiques devront être convoquées par le Recteur et les Curateurs conjointement, ou par le Vicaire (en cas qu'il y soit autorisé spécialement par le Recteur) et les Curateurs conjointement, ou dans l'absence de l'ile et du Recteur et de son Vicaire, par les Curateurs conjointement.

6.—Devra présider les Assemblées pour les Affaires Ecclésiastiques, le Recteur, s'il est présent, ou dans son absence son Vicaire pourvu qu'il y soit autorisé spécialement par le Recteur, et qu'il soit Chef-de-famille de la paroisse. Dans l'absence et du Recteur et de son Vicaire, ou dans le cas que le Vicaire n'ait pas l'autorité nécessaire, ou qu'il ne soit pas Chef-de-famille, l'Assemblée doit être présidée par un des Curateurs ou dans l'absence des deux Curateurs par un président choisi par les Chefs-de-famille présents.

7.—Toute Assemblée pour les Affaires Séculières devra être convoquée par les Connétables au nom de la Douzaine.

8.—Toute Assemblée pour les Affaires Séculières doit être présidée par le Doyen de la Douzaine, s'il est présent, ou dans son absence par un président choisi par les Chefs-de-famille présents.

9.—Tout Président d'une Assemblée paroissiale, soit pour les Affaires Ecclésiastiques, soit pour les Séculières aura une voix prépondérante en outre la voix ordinaire.

10.—Toute publication convoquant une Assemblée paroissiale, soit pour les Affaires Ecclésiastiques, soit pour les Séculières, devra spécifier l'heure et le lieu de l'assemblée et les objets de délibération et devra être publiée tant dans le cadre de l'Eglise que sur la *Gazette Officielle* et sur tel autre journal circulant dans l'île qu'il plaira aux personnes qui convoqueront l'assemblée indiquer.

11.—Toutes les Assemblées paroissiales seront à la charge des Chefs-de-famille et se tiendront dans tel endroit, (n'étant pas un endroit dédié à un culte

religieux) qu'il plaira aux Chefs-de-famille indiquer de temps en temps.

12.—Seront censées heures légales pour la convocation des Assemblées paroissiales toute heure entre dix heures du matin et cinq heures de l'après-midi, au gré des convoquants.

13.—A toute Assemblée paroissiale soit pour les Affaires Ecclésiastiques, soit pour les Séculières, le Président devra rédiger par écrit une note des délibérations qui ont été adoptées, et en faire lecture et ensuite les signer séance tenante. Il incombera au Recteur et aux Curateurs dans le cas des Affaires Ecclésiastiques, et au Doyen de la Douzaine et aux Connétables dans le cas des Affaires Séculières de faire copie des dites notes dans des registres qui seront fournis par les Chefs-de-famille à leurs propres frais.

14.—Demeureront en force toutes les lois, ordonnances et coutumes portant sur les Assemblées paroissiales qui ne sont pas incompatibles avec ce Projet-de-Loi.

15.—En appliquant cette Loi aux Assemblées touchant les Affaires de l'École des Hautes Capelles, telles Assemblées seront censées être Assemblées paroissiales pour des Affaires Séculières d'une paroisse tout comme si la paroisse de Saint Samson et la Vingtaine de l'Épine du Valle formaient ensemble une seule paroisse et comme si les Connétables de Saint Samson et ceux des Connétables de la paroisse du Valle qui demeurent en la Vingtaine de l'Épine en étaient les Connétables et comme si les Douzeniers de Saint Samson et ceux des Douzeniers du Valle qui demeurent en la Vingtaine de l'Épine

en étaient les Douzeniers, pourvu toujours que le Doyen de la Douzaine de Saint Samson sera censé être le Doyen de la Douzaine ainsi composée, et le cadre de l'Église de Saint Samson sera censé être le cadre de l'Église de la paroisse.

(Extrait des Registres),

QUERTIER LE PELLEY,
Greffier du Roi.