

(Enregistré sur les Records le 25 Juillet 1908).

1908.

AT THE COURT AT BUCKINGHAM PALACE,

The 4th day of July, 1908.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

MASTER OF THE HORSE

MR. ALFRED EMMOTT

EARL OF CREWE

SIR THOMAS WHITTAKER

LORD FITZMAURICE

MR. C. G. MILNES GASKELL

LORD HAVERSHAM

SIR JOHN EDGE.

SIR GERARD LOWTHER

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 June, 1908, in the words following, viz. :—

Loi relative à  
l'Examen des  
Témoins à  
futur.

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 24th day of January, 1901, to refer unto this Committee the most humble Petition of the States of the Island of Guernsey, dated the 25th day of April, 1908, setting forth: 1. that the procedure now in vogue in that Island for conducting the examination in writing of witnesses ‘à futur’ (*i.e.*, in view of a future trial and possibly of an appeal) in civil cases, requires the convening of the Ordinary Court which is termed the ‘Cour du Quartier’ consisting of the Bailiff or his Lieutenant and at least two Jurats; 2. that experience has shown that this machinery causes much delay and inconvenience and that a less complicated method of taking depositions is desirable; 3. that with this end in view a ‘Projet de Loi’ was drawn up by the Crown Officers and submitted to the Court of Chief Pleas held on the 22nd February, 1908; the Court approved of the ‘Projet de Loi’ as prepared, and the same was ordered to be presented to the States for their approval;

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4. the 'Projet' was accordingly duly presented to the States and came on for consideration and debate on the 8th April, 1908, on which date the States passed a Resolution approving and adopting its provisions and authorizing the Bailiff to present a humble Petition on their behalf for Your Majesty's sanction to the same; and most humbly praying that Your Majesty would be graciously pleased to give Your Royal sanction to the said 'Projet' intituled 'Loi relative à l'examen des Témoins à futur,' as the same is set forth in the schedule to the Petition and to order and direct that, as from the Registration of any Order to be made thereon, the same may have the force of Law in 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 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 comply with the prayer of the said Petition and to approve of and ratify the said 'Projet de Loi.'"

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, as from the registration of this Order, 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 Com-

mander-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.

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A. W. FITZROY.

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

LOI RELATIVE À L'EXAMEN DES TÉMOINS À FUTUR.

1.—Lorsque la Cour ordonne dans des causes civiles que les témoins seront examinés à futur elle nommera un Juré-Justicier Commis de la Cour en présence duquel l'examen aura lieu à la place de la Cour.

2.—Le serment ou l'affirmation requis par l'article 19 de la Loi relative aux Preuves du 29 juin 1865 sera administré aux témoins par le dit Commis.

3.—Chaque feuille des dépositions sera paraphée par le Commis.

4.—Dans les causes civiles où la Cour a déjà ordonné l'examen à futur des témoins, la Cour, sur la demande des parties pourra nommer un Juré-Justicier Commis de la Cour à sa place, lequel aura les mêmes pouvoirs et devoirs ci-dessus.

5.—Dans le cas de l'absence de l'île, de la maladie ou de la mort du Commis, la Cour pourra nommer un autre Commis pour le remplacer.

6.—Le Commis recevra les honoraires qui sont actuellement payables à la Cour lors de l'examen de témoins à futur.

7.—Et est la Cour Royale autorisée à passer telles Ordonnances qu'elle jugera nécessaires pour la mise en exécution des provisions de la dite loi.