

ORDRE EN CONSEIL

RATIFIANT LA

LOI RELATIVE AUX APPELS.

(Enregistré sur les Records de l'Ile de Guernesey
le 30 août 1913.)



IMPRIMÉ ET PUBLIÉ PAR LA

COMPAGNIE D'IMPRIMERIE DE BICHARD, Limitée,
IMPRIMEURS OFFICIELS AUX ÉTATS,
BUREAU DE LA GAZETTE OFFICIELLE,
RUE DU BORDAGE.

1913.

ORDRE EN CONSEIL.



À LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

Le 30 août 1913, pardevant William Carey, écuyer, Baillif; présents: Jean Nant Brouard, Ernest Collas, George Edward Kinnersly, George Herbert Le Mottée, Julius Bishop, John Leale, Thomas William Mansell de Guérin, Lionel Slade Carey, James Esten de Jersey et Hubert George de Carteret Stevens-Guille, écuyers, jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du douze août mil neuf cent treize, ratifiant un Projet de Loi intitulé "Loi relative aux Appels." La Cour après avoir eu lecture du dit Ordre ouïes les conclusions du Procureur du Roi a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit :—

At the Court at Buckingham Palace

The 12th day of August, 1913.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT

SIR WILLIAM CARINGTON

MR. SECRETARY HARCOURT

MR. FISCHER

SIR LOUIS MALLET.

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 July, 1913, in the words following, viz.:—

“**Your Majesty** having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth :—1. that the right of appeal from sentences of the ‘Cour Ordinaire’ to the ‘Cour des Jugements,’ and from sentences of the ‘Cour des Jugements’ to Your Majesty in Council, is at present governed by the provisions of an Order in Council of the 13th May, 1823, and registered on the records of this Island on the 28th June, 1823 : 2. that by the provisions of the said Order in Council, Appeals from sentences of the ‘Cour Ordinaire’ to the ‘Cour des Jugements’ are only allowed when the sum in dispute exceeds 150 *livres tournois* (£10 14s. 3 3-7d. Guernsey currency), and Appeals to Your Majesty in Council are confined to cases where the object in dispute, if real property, amounts to the value of £10 Guernsey currency per annum, or if personalty, to the value of £200 Guernsey currency : 3 : that there having been for many years past divergence of opinion between the various sections of the Royal Court composing from time to time the said ‘Cour Ordinaire’ and between the Bailiff and Jurats composing for the time being the said ‘Cour des Jugements’ it was thought desirable that all uncertainty be removed as to whether Appeals should be allowed in cases where, although there is no sum in dispute, a principle of right, of law, or of custom is involved, or where the object in dispute, there being no sum mentioned in the action, exceeds £10 Guernsey currency in value : 4. that on the 23rd November, 1912, the Royal Court approved a ‘Projet de Loi,’ as prepared by the Crown Officers on instructions from the Royal Court, with a view to making the law clear on the point, and putting an end to the said uncertainty, and ordered that the same be presented to the States in order that, if

approved, it might be submitted to Your Majesty for Your Royal Sanction : 5. that the said 'Projet de Loi' was accordingly duly presented to the States and came on for consideration and debate on the 8th January, 1913, 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 Royal Sanction to the same : 6. that the said 'Projet de Loi,' as adopted by the States, is intituled 'Loi relative aux Appels,' and is in the words and figures set forth in the Schedule to the said Petition. And most humbly praying that Your Majesty would be graciously pleased to give Your Royal Sanction to the said 'Projet de Loi' intituled 'Loi relative aux Appels,' and to order and direct that, as from the date of the registration of Your Majesty's Order on the said Petition, the said 'Projet de Loi' might 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, having taken the said Petition and the said 'Projet de Loi' into consideration, and having, on the 5th day of February, 1913, intimated to the Bailiff that, before they could recommend His Majesty to comply with the prayer of the Petition, the 'Projet de Loi,' as set forth in the Schedule thereto, should be amended by inserting in Article 5 after the words 'are repealed' the words 'except those directing Appeals to His Majesty in Council to be prosecuted within the space of six months from the date of the Judgment complained of,' and having been thereafter informed by the Bailiff that on the 2nd day of April, 1913, the States passed a Resolution approving and adopting the said 'Projet de Loi' amended as advised, have taken the said Petition and 'Projet de Loi' into

further consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty, subject to the amendment so approved and adopted by the States as aforesaid, to comply with the prayer of the said Petition and to approve of and ratify the said 'Projet de Loi' as amended."

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," as amended on the 2nd day of April, 1913, and to order, as it is hereby ordered, that as from the date of the registration of this Order the said 'Projet de Loi' 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" so amended as aforesaid (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.

ALMERIC FITZROY.

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

LOI RELATIVE AUX APPELS.

1.—Il n'y aura pas droit d'appel d'une sentence de la Cour Ordinaire à la Cour des Jugements :—

- (a) Lorsque la somme en dispute portée dans la cause n'excède pas £10 stg.
- (b) Lorsque la somme en dispute excédant £10 stg., les parties ou l'une d'elles n'ont pas demandé avant l'audition des témoins dans une cause appointée en preuve, et que la Cour n'a pas ordonné que les dépositions des dits témoins soient prises par écrit.

La Cour permettra néanmoins un appel à la Cour des Jugements nonobstant que la somme en dispute portée dans la cause n'excède pas £10 stg., ou nonobstant qu'il n'y ait pas de somme en dispute portée dans la cause, lorsqu'il paraîtra à la Cour que la sentence décide d'un principe de droit, de loi, ou de coutume, ou que l'objet en dispute, quoiqu'il n'y ait pas de somme portée dans la cause, excède en valeur £10 stg., pourvu toutefois que dans les causes appointées en preuve les parties ou l'une d'elles aient demandé avant l'audition des témoins, et la Cour ait ordonné que les dépositions des dits témoins fussent prises par écrit.

2.—Il n'y aura pas droit d'appel d'une sentence de la Cour des Jugements à Sa Majesté en Conseil lorsque l'objet en dispute étant propriété immobilière n'est pas de la valeur de £10 stg., par an, ou étant propriété mobilière n'est pas de la valeur de £200 stg.

La Cour accordera néanmoins la permission d'appeler à Sa Majesté en Conseil, nonobstant que l'objet en dispute ne soit pas de la valeur mentionnée dans cet article, lorsqu'il paraîtra à la Cour que la sentence décide d'un principe de droit, de loi ou de coutume.

3.—Dans tous les cas la Cour pourra envoyer les parties devant Commis afin de constater le montant ou la valeur de l'objet en dispute.

4.—Tout appel de la Cour des Jugements à Sa Majesté en Conseil sera sujet aux provisions des Ordres en Conseil et aux Règlements contenus dans iceux qui pour le temps seront.

5.—Sont rappelées les provisions relatives aux Appels de l'Ordre en Conseil en date du 13 mai 1823 enregistré sur les Records de cette Ile le 28 juin 1823, *excepté celle qui ordonne que les Appels à Sa Majesté en Conseil soient poursuivis dans l'espace de six mois de la date du Jugement dont Appel.*

(Extrait des Registres),

QUERTIER LE PELLEY,

Greffier du Roi.