

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

LOI RELATIVE AUX APPELS.

(Enregistré sur les Records de l'Ile de Guernesey le
23 août 1924).



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1924.

VIII.
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ORDRE EN CONSEIL.



À LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

Le 23 août 1924, pardevant Messire Havilland Walter de Sausmarez, Chevalier, Baillif; présents: George Edward Kinnersly, Julius Bishop, John Leale, Thomas William Mansell de Guérin, William de Prélaz Crousaz, Jean Allés Simon, Jean Ernest Dorey, John Roussel, Richard Francis McCrea, Osmond Priaulx Gallienne et Arthur Dorey, écuyers, jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 25 juillet 1924, ratifiant un Projet de Loi intitulé "Loi relative aux Appels"; la Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions du Contrôleur 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 25th day of July, 1924.

Present,

The King's Most Excellent Majesty

ARCHBISHOP OF CANTERBURY.

LORD PRESIDENT.

LORD CHAMBERLAIN.

LORD THOMSON.

HON. SIR LANCELOT CARNEGIE.

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 July, 1924, 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 :—

LE 23 AOUT 1924.

(1) That by an Order of Your Majesty in Council of the 12th August, 1913, registered on the Records of this Island on the 30th August, 1913, Your Majesty was graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled 'Loi relative aux Appels.' (2) That in order to do away with the 'Examen des témoins à futur' in certain cases, that is to say, the reduction into writing by a Commissioner of all the evidence to be given before the Court of trial, as provided in an Ordinance of the Royal Court of the year 1738, which makes the taking of evidence as aforesaid a condition precedent to the right of appeal, which provision has often led to a denial of justice partly on account of the delays incidental to the practice and partly because the Court of trial is deprived of the advantage of seeing the witnesses in important cases, which practice has been recognised in the aforesaid 'Loi relative aux Appels,' and other similar laws, on the 5th day of April, 1924, the Royal Court adopted a Bill or *Projet de Loi* prepared by the Law Officers of the Crown, and requested the Bailiff to submit the same to the States. (3) That it appeared desirable in view of the aforesaid changes in procedure and the depreciation of the value of money to raise the appealable amount from £10, where it had stood for at least one hundred years, to £25, and the Royal Court accordingly inserted a provision to that effect. (4) That these changes render necessary the repeal of Article 1 of the aforesaid 'Loi relative aux Appels.' (5) That on the 21st May, 1924, the Bailiff submitted the said *Projet de Loi* to the States of Deliberation when it was approved, and submitted it again on the 11th day of June in a modified form, when a resolution was passed approving the same and authorizing

the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. (6) That the said Bill or Projet de Loi is intituled 'Loi Supplémentaire à la Loi relative aux Appels, 1924,' and is in the words and figures set forth in the Schedule to the Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled 'Loi Supplémentaire à la Loi relative aux Appels, 1924,' and to order and direct that the same shall 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 taken the said Petition and the said Projet de Loi into consideration, and do this day 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 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.

COLIN SMITH.

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

**LOI SUPPLÉMENTAIRE À LA LOI RELATIVE
AUX APPELS, 1924.**

L'Article premier de la Loi relative aux Appels sanctionnée par Ordre de Sa Majesté en Conseil en date du 12 août 1913, enregistré sur les Records de cette Ile le 30 août 1913, est et demeure rappelé et l'Article suivant y est substitué pour former partie de la dite Loi.

1.—(1) L'examen des témoins à futur comme moyen préparatif à un appel est aboli.

Cet alinéa s'appliquera à toute cause pendante à la date de l'enregistrement de l'Ordre de Sa Majesté en Conseil le sanctionnant, la Cour Royale étant autorisée à faire par Ordonnance tels règlements qu'elle jugera convenables par rapport aux dépositions à futur des témoins déjà prises à telle date.

(2) Il n'y aura pas droit d'appel d'une sentence de la Cour Ordinaire à la Cour des Jugements lorsque la somme en dispute portée dans la cause n'excède pas £25 stg. La Cour permettra néanmoins un appel à la Cour des Jugements nonobstant que la somme en dispute portée dans la cause n'excède pas £25 stg., ou nonobstant qu'il n'y a 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 £25 stg.

(3) La Cour Royale est autorisée à passer de temps à autre toutes et telles Ordonnances qu'elle croira nécessaires pour la mise à exécution de la dite loi.

(Extrait des Registres),

QUERTIER LE PELLE, Y,
Greffier du Roi.