

Main levée.

### MAIN LEVÉE.

1° DEMANDE D'UNE PERSONNE SE DISANT SEULE  
HÉRITIÈRE QUE MAIN LEVÉE LUI SOIT  
OCTROYÉE. Déclaration du seigneur du  
fief qu'il ne peut y consentir au moment  
actuel. Cause envoyée au Nombre Infé-  
rieur pour être plaidée en temps et lieu.

*Ex parte de la Rue, veuve Prescott.*  
(1951) 50 H. 348. (Chefs Plaids).

2° IDEM. Parties envoyées devant le Greffier  
trayer lignage.

*De la Rue, veuve Prescott v. Le Gros, Seigneur.*  
(1951) 50 H. 349.

3° IDEM. Ouï lecture du record d'Arbitre,  
la Cour accorde la demande d'une  
personne, se disant principal héritier du  
*de cujus*, d'intervenir en cause et lui  
octroie main levée.

*La même v. le même. De la Rue intervenant.*  
(1951) 50 H. 353.

**“ MAINTENANCE.”**

“ Mainte-  
nance.”

Voir “ *Actions—Formes*,” 1°.  
“ *Appels*,” 19°.  
“ *Matrimonial Causes (Jersey) Law*, 1949,”  
7°, 8°, 12°, 13°, 25°.  
“ *Séduction*.”  
“ *Separation and Maintenance Orders*.”

**“ MAINTENANCE ORDERS. FACILITIES  
FOR ENFORCEMENT.”**

“ Mainte-  
nance  
Orders.  
Facilities for  
Enforce-  
ment.

“ MAINTENANCE ORDERS (FACILITIES FOR EN-  
FORCEMENT) (JERSEY) RULES, 1953.”  
(1953) 248 Ex. 266. [N.S.]

**MAÎTRE ET EMPLOYÉ.**

Maître et  
Employé.

Voir “ *Committant et Préposé*.”  
“ *Négligence*,” 10°, 11°, 12°, 13°, 14°, 15°.

**MARCHÉS PUBLICS.**

Marchés  
Publics.

Voir “ *Taxation Paroissiale*,” 1°.

**MARIAGE.**

Mariage.

Voir “ *Enregistrement des Naissances, Mariages  
et Décès*,” 10°, 13°, 14°, 15°, 16°, 17°,  
18°, 19°.

VALIDITÉ. Représentation du Procureur Général par rapport à la validité d'un mariage. Règlement sur l'Enregistrement des Naissances, Mariages et Décès (1842), Article 25. Jugé que le mariage est nul et ordonné que les inscriptions à ce sujet contenues dans les livres du Registre

Mariage.

Civil des Naissances, Mariages et Décès  
soient rayées à la diligence de l'Enregist-  
reur Surintendant.

*Re Le Couteur et Ashcroft. Représentation du*  
*P.-G. (1951) 246 Ex. 505.*

Mariage en  
Essence.

### MARIAGE EN ESSENCE.

DÉCLARATION FAITE PAR AVOCAT.

*Voir "Avocats."*

Marques de  
Fabriques.

### MARQUES DE FABRIQUE.

ENREGISTREMENT RÉVOQUÉ à la requête de la  
compagnie impétrante.

*Ex parte "Tanqueray Gordon & Co. Ltd."*  
*(1953) 11 M. de F. 93.*

"Matrimo-  
nial Causes  
(Jersey)  
Law, 1949."

### "MATRIMONIAL CAUSES (JERSEY) LAW, 1949."

*Voir "Actions—Formes," 1°.*

*"Decree Nisi."*

*"Poursuites Criminelles," 24°.*

1° ADJOURNMENT. Court adjourns hearing of  
cause that had been restored to unde-  
fended list after having been struck off  
in order that notice be given to respon-  
dent, who had entered appearance, that  
cause had been so restored. (Cf. Rule  
31(1) [1950].)

*Butel v. Rodda. (1957) 1 M.C. 525.*

2° IDEM. Court adjourns hearing of petition for dissolution in order that petitioner may amend petition by including a further charge, the original charge not being proved to the satisfaction of the Court.

“ Matrimonial Causes (Jersey) Law, 1949.”

*Hill v. Saunders.* (1957) 1 M.C. 544.

3° ADULTERER MENTIONED IN PETITION DECEASED.  
Death of an adulterer who would, if alive, be a co-respondent in the cause must be strictly proved. Court asked for death certificate to be produced.

*Hill v. Saunders.*

(1957) 1 M.C. 544. (File 517).

4° ANCILLARY RELIEF, PROCEEDINGS RELATING TO. ESTOPPEL.

*Voir “ Témoins—Témoignage,”* 5°.

5° APPEAL. To Privy Council. Divorce.

*Voir “ Appels,”* 1°.

6° IDEM. To Superior Number. Divorce.  
Order for security for wife's costs.

*Spinks v. Farley.* (1956) 1 M.C. 496.

7° ARTICLE 32. The power to discharge or vary orders that is vested in the Court by the said Article is discretionary and the discretion of the Court in exercising the said power is unfettered.

*Et voir “ Appels,”* 6°.

*Delgaty v. Falle.*

(1958) 13 C.R. 151. [N.S.]

“ Matrimo-  
nial Causes  
(Jersey)  
Law, 1949.”

8° ARTICLE 36. INTERPRETATION. “ In the event of the death of either of the parties to a suit for divorce or nullity of marriage after the decree has been made absolute but before any definitive order under Article 27, 28, 29 or 30 of this Law has been made, the Court may make any such order as aforesaid which it could lawfully have made if such death had not occurred, and the said order shall take effect as if it had been made immediately before the death.” By orders contained in its decree *nisi*, the Court, in the exercise of the powers conferred upon it by Article 29 of the Law, ordered the respondent to pay to the petitioner (1) during her life a weekly sum towards her support and (2) a gross sum of money, and the “ Billet ” Division of the Court subsequently held that at the death of the respondent the liability for making the weekly payments devolved upon his only child. On the petitioner’s application that she may be granted such secured provision as may be just, the Court holds that, in its decree *nisi*, it made definitive orders under Article 29 and that, in view of the terms of Article 36, it cannot now lawfully make a further order under Article 29.

*Roche v. Cornish, deceased.*

(1957) 1 M.C. 562.

9° BOND, ORDER APPROVING FORM OF

*Galette v. Bailhache.* (1951) 1 M.C. 128.

10° CHILD. Attorney General requested to take steps with a view to placing child under protection of Court.

“Matrimonial Causes (Jersey) Law, 1949.”

*Cooke v. Le Vesconte & Kent.*

(1951 & 1952) 1 M.C. 179, 229.

11° COLLUSION. ARTICLE 21. Court directs papers to be sent to Attorney General in order that he may argue any question of collusion or other matter that he may consider necessary. Case adjourned without hearing evidence.

*Hodge v. Reynolds.* (1952) 1 M.C. 209.

12° CONTRIBUTION FOR SUPPORT. Order in favour of guilty wife *dum sola et casta vixerit*.

*Galette v. Bailhache.* (1951) 1 M.C. 108.

13° CONTRIBUTION FOR SUPPORT, ORDER FOR. SUBSEQUENT UNCHASTITY OF THE APPELLANT IN WHOSE FAVOUR THE ORDER WAS MADE. Discharge of the Order by the Matrimonial Causes Division under Article 32 of the Matrimonial Causes (Jersey) Law, 1949. Appeal. Held by the Superior Number that the Matrimonial Causes Division misdirected itself and that, in the circumstances of the case, the unchastity of the appellant was not a sufficient ground to justify the discharge of the said order. Appeal allowed and order of the Matrimonial Causes Division discharging the Order set aside.

*Et voir “Appels,”* 3°.

*Delgaty v. Falle.*

(1958) 13 C.R. 151, 157. [N.S.]

Matrimo-  
nial Causes  
(Jersey)  
Law, 1949."

13° (a) CONTRIBUTION FOR SUPPORT. RESPONSIBILITY OF HEIR.

*Voir* 25°.

14° CUSTODY OF CHILDREN. Attorney General asked to institute inquiries with regard to suitability of home or parent.

*Le Boutillier v. Horman.*

(1952) 1 M.C. 228.

*Channing v. Brisset & Edwards.*

(1952) 1 M.C. 247.

15° DECREE NISI MADE ABSOLUTE after 11 days in view of special circumstances of the case.

*Harvey v. Hingston & Attwood.*

(1958) 2 M.C. 75, 76.

16° DISCRETION. At hearing of defended cause respondent allowed to amend his answer to include a prayer that the Court should exercise its discretion in his favour.

*Blampied v. Audrain. Pentney cited.*

(1955) 1 M.C. 388.

17° IDEM. CRUELTY. ARTICLE 9. The Court being of the opinion that the petitioner had been guilty of cruelty towards the respondent refused to exercise its discretion in favour of the petitioner.

*Mahé v. Le Monnier & Leedham.*

(1954) 1 M.C. 351.

18° IDEM. DESERTION. ARTICLE 9. The Court being of the opinion that the petitioner had been guilty of having without reasonable excuse deserted the respondent refused to exercise its discretion in favour of the petitioner.

Matrimonial Causes  
(Jersey)  
Law, 1949."

*Trédant v. Aubin & Paddock. Reece cited.*  
(1954) 1 M.C. 350.

19° IDEM. WILFUL SEPARATION. ARTICLE 9. The Court notwithstanding that in its opinion the respondent had been guilty of having without reasonable excuse wilfully separated himself from the petitioner before her adultery exercises its discretion in favour of the respondent.

*Moyse v. Williams. Poulain cited.*  
(1954) 1 M.C. 328.

20° DOMICILE. UNDEFENDED CAUSE. The Court, deeming it necessary to have question of domicile fully argued, directs papers to be sent to Attorney General.

*Barnett v. Murray.* (1951) 1 M.C. 170.

21° MINOR. Guardian *ad litem* appointed to minor co-respondent who had not entered an appearance.

*Lewis v. Le Cornu & Banham.*  
(1955) 1 M.C. 399.

22° PERJURY. Court directs papers to be sent to Attorney General. Hearing continued after criminal proceedings (See "Poursuites Criminelles," 24°.)

*Gillard v. Benest. Phillips & Fisher cited.*  
(1953) 1 M.C. 299.



“Matrimonial Causes (Jersey) Law, 1949.”

23° PETITION DISMISSED without prejudice to the right of the petitioner to file against respondent a further petition correctly stating the facts upon which he relies.

*Thomas v. Le Guilcher.*

(1958) 2 M.C. 65.

*Auffret v. Ferguson.*

(1958) 2 M.C. 72.

24° PETITION STAYED. Subsequent decree on answer.

*Le Riche v. Collis.* (1956) 1 M.C. 492.

*Guiton v. Knowlman & Breuilly. Bhaga cited.*  
(1956) 1 M.C. 504.

25° PROVISION ALIMENTAIRE. RESPONSABILITÉ DE L'HÉRITIER. ARTICLE 29. La Cour (“Matrimonial Causes Division”), statuant dans un jugement dit “decree nisi” sur une prière contenue dans la demande en divorce de la défenderesse que la Cour lui accorde une provision alimentaire, ordonna à son mari de lui payer ou faire payer une provision alimentaire de £2. 10s. 0d. par semaine sa vie durant à elle ou jusqu'à nouvel ordre. Jugé qu'à la mort du mari la responsabilité de faire face aux paiements hebdomadaires visés par ledit jugement est dévolue à son héritier. Appel non poursuivi.

*Roche v. Cornish.*

(1957) 79 Exs. 265.

26° SECURED PROVISION. ARTICLE 35. Sergeant de Justice authorized to execute contract on behalf of one of the parties.

“ Matrimonial Causes (Jersey) Law, 1949.”

*Spinks v. Farley.* (1957) 1 M.C. 516.

*Le Riche v. Baker & Newman.*  
(1958) 2 M.C. 13.

27° STRIKING OUT. RULE 29 [1950]. ORDER FOR STRIKING OUT. PRINCIPLES FOLLOWED.  
Petition to be amended so as to set out more clearly the actual facts.

*Spinks v. Farley.* (1956) 1 M.C. 438.

28° TAXATION DE FRAIS JUDICIAIRES.

*Voir “ Appels,”* 21°.

### MÉPRIS DE COUR.

*Voir “ Poursuites Criminelles,”* 21°.

Mépris de Cour.

### “ MERCHANT SHIPPING ACT, 1894.”

*Voir “ Désastres,”* 28°, 29°.

“ Merchant Shipping Act, 1894.”

### MINEUR.

*Voir “ British Nationality Act, 1948.”*

*“ Enfants.”*

*“ Matrimonial Causes (Jersey) Law, 1949,”*  
21°.

*“ Rappel par les mineurs des faits de leurs tuteurs, Loi de 1862 touchant le ”*

*“ Tuteur—Tutelle.”*

Mineur.

### MUTATION DE PARTIES.

*Voir “ Parties,”* 3°, 4°.

Mutation de Parties.