


This is a translation of the

## **CODE OF 1771**

(Chapter 15.120)

as in force on the revision date of 1 January 2017.

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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 Jersey and Guernsey dated the 26th of this instant, upon considering the annexed Collection or Code of laws agreed upon by the states of the Island of Jersey, and transmitted for His Majesty's Royal approbation – His Majesty taking the same into Consideration, is hereby pleased, with the advice of His privy Council, to approve of ratify, and confirm the Said Collection or Code of laws, and to Order, that the same, together with this Order, be entered upon the register of the said Island and observed accordingly – And His Majesty doth hereby declare that all other Political and written laws heretofore made in the Said Island, and not included in the Said Code, and not having had the Royal assent and confirmation, Shall be from henceforward of no force and validity. – And His Majesty doth hereby Order that no Laws or Ordinances whatsoever, which may be made provisionally or in view of being afterwards assented to by His Majesty in Council, Shall be passed but by the whole Assembly of the States of the said Island; And with respect to such provisional Laws and Ordinances so passed by them, that none shall be put or remain in force for any time longer than three years, but that the same, upon its being represented by the States to His Majesty, that Such Laws and Ordinances are found by experience to be useful and expedient to be continued, Shall, having first obtained His Majesty's Royal assent, and not till then, be inserted and become part of the Code of the Political Laws of the Said Island; And His Majesty doth further Order, That when any thing is proposed to the Assembly of the States, it Shall be wrote down in the Form in which it is meant to be passed, and there Shall be debated; after which it Shall be lodged au Greffe for 14 Days at least before it Shall be determined, in order that every individual of the States may have full time to consider thereof, and the Constables to consult their Constituents if they judge necessary; and that this Delay be only dispensed with in case of Emergency, in which the Safety of the Island may happen to be immediately concerned – And His Majesty doth hereby further Order, that in case it Should happen that the Governor, Lieutenant Governor or Commander in Chief of the Said Island, Should not be present at the assembly

of the States, then that before any acts or matters determined therein Shall be effectual, application Shall be first made to the Governor, Lieutenant Governor, or Commander in Chief to know whether he chuses to make use of the Negative Voice which he hath – And the Governor, Lieutenant Governor or Commander in Chief, the Bailiff and Jurats, and all other His Majesty's Officers in the said Island for the time being, and all other Persons whom it may concern, are to take Notice and Govern themselves accordingly.

**W. BLAIR**

### CONNETABLE<sup>[1]</sup>

**THE CONNETABLES** shall be required to convene a meeting once every month of their officers, better to acquaint themselves with any offences committed, and to identify wrongdoers, according to the express tenor of their oath of office.

### LEATHER

**IT** shall be lawful for any person in this Island to tan, curry, or to dress leather.

### TITHES (*DIME*)

**It** is forbidden for any person to lift or transport their crops (growing on tilled land) from above the places where the grains have grown, before having rendered the Tithe to whomsoever it belongs, on pain of a fine of level 3 on the standard scale, and of having to pay £3.00 per *vergée*<sup>[2]</sup> to the person entitled thereto.

### LAWS ESTABLISHED BY DIFFERENT ORDERS OF THE KING & COUNCIL, & ACTS OF PARLIAMENT

**IN ACCORDANCE WITH** a certain Order the King and His Council, dated the 30<sup>th</sup> day of April 1696, and registered in the Book of the States of 4<sup>th</sup> July following.

All *rentes* acknowledged to have been paid within 10 years, or which have been constituted for 10 years, by hereditary right or assignation, and all Schedules or Bonds attested by 2 witnesses, or written or signed by the debtor, shall be enforceable without formality or question: and in the case of challenge, the Officer shall assign the challenging party a date for appearance in court, and the challenge shall stand dismissed if the challenging party is in default.

In accordance with a certain Order of the King and His Council, of 21<sup>st</sup> May 1679, registered by the States on the 3<sup>rd</sup> day of July following.

The Laws and Privileges of the Island are confirmed as of old, and no Orders, Warrants, or Letters of whatsoever nature they may be, shall be executed in the Island, but that they have been presented to the Royal Court, in order there to be registered

and published: and in case such Orders, Warrants or Letters shall be found to be contrary to the Charters and Privileges, and onerous to the said Island, the registration, execution, and publication thereof may be suspended by the Court, until the case has been represented to His Majesty, and until His good pleasure has been signified thereon: and as for Acts of Parliament in which reference is made to the Island, and in which it has an interest, such Acts must be exemplified in form, under the Great Seal, and sent to the said Island, there to be registered, and published, in order that the inhabitants may have knowledge thereof, and avoid the penalties of transgressing the same.

Vessels, merchandise, or effects of the Inhabitants who arrive, or are brought into this Island, shall not be seized or arrested by whomsoever it may be, without having obtained in that regard an Order of the Royal Court; and the Customs Commissioners, and other Officers of His Majesty in the Port of London, and in any Port of England and Wales, shall be required to permit and to suffer the said Inhabitants, to embark for the said Island, with any merchandises, provisions or effects, free of all customs levy, in the same manner as is permitted to His Majesty's subjects in England, to carry the same from one Port to another in England and Wales: the said subjects of His Majesty of the said Island, giving the same sureties as do His subjects of England and Wales, with regard to the disembarking on the said Island, of such merchandises, provisions or effects, there to be employed and consumed; and not to be transported to any foreign country: to which effect, and in order that attestations may be given without fraud, the Bailiff and 2 Jurats are authorised to grant and sign the necessary certificates, and to retain a duplicate thereof in a Book kept for this purpose by the Greffier of the Royal Court; which certificates being returned to any Port in England or Wales, shall have the same force and effect as those issued by the Officers of Customs of His Majesty.

In conformity with certain Order of the King in Council, one of 24<sup>th</sup> April 1668, confirmed by the States on 10<sup>th</sup> July following, and the other of 19<sup>th</sup> May 1671, also confirmed by the States on 27<sup>th</sup> July following, and an Order subsequent to the latter, dated 12<sup>th</sup> March 1690-1, registered on 13<sup>th</sup> August following.

The Jurats and the other Officers of the Court, must accompany the Bailiff, or the Bailiff's Lieutenant, from his chambers to the Seat of Justice, and show the respect due to one who represents the person of His Majesty, and who is his first Minister in that place, and in particular when he is in Court, or discharging the duties of his Office; anyone contravening this requirement to be suspended, in the case of a Judge, or other Officer, and all others being punished by imprisonment, until they have made good their misdeed, by seeking pardon, and have satisfied the pecuniary penalty that shall have been imposed upon them, depending upon the nature of the contempt.

The Jurats shall not plead, nor give Counsel, in any causes other than those in which they are involved; whosoever among them shall set about doing so, shall not have a voice in the relevant case: provided that where a judge is not satisfied on a given point in issue, and wishes to be better informed, in order to give a sound judgment, the Bailiff may enable him to do so.

Jurats must not give their opinion in an arbitrary manner, but according to the Laws and Customs of the Island.

Contested issues shall not be sent to arbitration (except for partitions of land and settling of accounts) and as regards matters within the competence of the Viscount, they shall be remitted to him as in the past; but the Jurats shall not be appointed as arbitrators in causes of which the Court is seized.

Neither the Parties nor their Advocates shall interrupt during pleading, but the Plaintiff shall make out his arguments, silence being kept by the opposing Party; after which, the latter shall respond, observing the same order, and in this manner they shall proceed by way of reply and rejoinder if the case so requires: and whosoever shall transgress this rule, if it be an Advocate, shall be punished by a fine, at the discretion of the Court.

Persons duly summonsed to appear before a *vue*, arbitration, or any other formal hearing, who default without cause in making appearance, shall be liable to the costs of the hearing.

Doleances,<sup>[4]</sup> being odious by nature, because they are specifically directed at the Judge, whose honour must be upheld in the cause of Justice, His Majesty with the advice of his Council, shall impose such fine on the Party who brings a claim in this manner, unless the allegations made are substantiated, as the case may require.

In conformity with the Order in Council of 1635, the 12<sup>th</sup> June, those who are accessories in crimes of murder, or who feloniously after the commission of the crime, harbour or assist the perpetrators before their conviction, or who aid and abet the flight of the perpetrators out of the Island, after a proclamation has been issued to apprehend them; they shall be punished by a fine and imprisonment.

No person may contract for things or matters in litigation.

The Governor, or his Deputy, shall be present, when any judgments are given in matters concerning His Majesty, as being interested therein or as a matter of prerogative; and the Crown Officers may enter an appeal, in those cases in which His Majesty has an interest.

In conformity with certain Order of His Majesty in Council, dated 12<sup>th</sup> day of June 1731, all Causes which, according to the Custom of the Island, must be heard before 7 Jurats, may be dealt with before 3 Jurats, where a larger number of non-recusable Jurats cannot be assembled.

LAWS ESTABLISHED BY DIFFERENT ORDERS OF THE KING IN COUNCIL, AND  
BY ACTS OF THE STATES OF THIS ISLAND

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## THE COUR D'HERITAGE<sup>[5]</sup>

**UPON** a claim for a partition of land, the eldest coparceners shall be liable to answer to the first summons, and if they default, *portion de vivre*<sup>[6]</sup> shall be awarded to the younger coparceners, who shall be liable to account at the termination of the partition, for that which they have enjoyed by way of *portion* above their legal entitlement; the eldest coparceners making good the difference to each of them, if that which they enjoyed was below their legal entitlement, as the case may be, on the basis of a valuation of the land concerned; and in the case of actions in which the younger coparceners are summoned, the Greffier shall be appointed to arbitrate, and valuers appointed upon the default of the coparceners, if there is land to partition.

In all proceedings before this Court, the procedure of *défaut devant Arbitre, et à ouir record d'Arbitre*, shall be abolished, and the defendants held to answer without delay, on pain of *portion de vivre* being awarded, if the case concerns partition of land.

In an action for the replacement of real property, and restitution of a wife's property wrongly alienated, the action shall be instituted within a year and a day of the accrual of the cause of action; after which time, such actions shall be inadmissible.

## THE COUR DU SAMEDI<sup>[7]</sup>

IN actions to appoint an arbitrator, and to claim Dower, the arbitrator shall be appointed on the first default, and, in relation to the acknowledgement of Bonds, the acknowledgment shall also be effective without delay, and there shall be no need for the formal summoning to hear the record of the arbitrator.

Guarantee of title among co-heirs shall not exceed the term of 40 years.

Persons who have been in peaceful possession of an immovable, without interruption, for 40 years or more shall not be challenged, or disturbed as regards title to that which they possess, forty years' possession conferring a perfected and unchallengeable right, in accordance with the ancient Custom of the Island, except in relation to servitudes, title to which cannot be acquired by prescription, be it of 100 years: from which it is possible to be released, or to acquire release by prescription, that is to say, where the servitude has not been exercised for a continuous period of 40 years.

All high growing trees on banks lying to the south of land belonging to another must be cut back or cut down, within 3 years of this Ordinance, and trees must not afterwards be planted, otherwise than by being left to grow as coppice, the trees being cut, and such coppice having to be cut back every 8 years: and any branches extending over the land of another must also be cut back.

Anyone who contravenes any of the above requirements shall be liable to dig up, cut down and destroy the same, and on pain of a fine, to be divided equally between the Crown and the Poor of the Parish in which the offender lives: the Centeniers being required to ensure that this Ordinance, as regards buildings, gardens and banks, is duly carried into effect and observed; and to report offenders to the Court, at least

once a year, namely in the course of the month of May; and if they fail to do so, the Attorney General shall summon such officers to appear in Court to answer therein.

## HOUSES

**THE** Quarter days for the lease of houses, shall be regulated in the manner following; namely: the first quarter shall expire on the 25<sup>th</sup> day of March; the second, on the 24<sup>th</sup> day of June; the third, on the 29<sup>th</sup> day of September; and the last, on the 25<sup>th</sup> day of December.

## SAND-DUNES

**IN ACCORDANCE** with several ancient Regulations, all persons whomsoever are forbidden to take it upon themselves to cut the rushes which grow in any part of the Island, where the sand might thereby be disturbed; or to break up the sand-dunes, on pain of a fine, and of 8 days imprisonment on bread and water, for those without the means to pay the said fine.

## LAND REGISTRY

**IN ACCORDANCE WITH AN** Ordinance of the States, dated 24<sup>th</sup> July 1602, for the establishment of a Land Registry, it is ordered:

That all hereditary contracts which are passed before the Court, shall be registered according to the Orders of the Commissioners.

The Office of Registrar of Contracts shall be discharged by the Judicial Greffier.

All contracts or deeds which are done before the Bailiff or his Lieutenant, and two Jurats, shall be formally engrossed, and not be in draft, the same being signed by them, and shall within two or three days thereafter be delivered to the said Registrar of Contracts, who true to his duty shall enter in the Register accurately and legibly the date; the names of the Judge and Jurats before whom the contracts or deeds have been passed; the names and surnames of the contracting parties; the nature and extent of the property sold, leased or exchanged; and its situation, and the price paid in money or *rentes*<sup>[8]</sup>; and the formal terms and conditions, if any, and the warranty of title by the Parties: such registration having been effected, the said Officer shall be required to produce such Letters and Contracts to the Court to be compared with the registration, and approved if found to be true copies, and for that the Judges shall be entitled to one *sou*:<sup>[9]</sup> the Registrar remitting to the Parties the said Letters or Contracts, within a fortnight of having received them.

Securities and Hypothecs shall be subject to the said registration, on pain of being deemed to have lost any priority in date over other such securities or hypothecs.

The Land Registry shall be a public registry, such that access to it shall be open to all persons who wish to read or cause to be read anything therein, in order to ascertain their rights, and to acquaint themselves with any facts in which they may have an interest.

## VINGTENIERS

Vingteniers shall not remain in office for more than 3 years, unless they have been re-elected, and are willing to serve in that office.

### OATH OF GOVERNOR,<sup>[10]</sup> LIEUTENANT GOVERNOR, OR DEPUTY GOVERNOR

**IN AS MUCH AS IT** has pleased God to call you to the Office of Governor, Lieutenant Governor, or Deputy Governor of the Castles of the Island of Jersey, You swear and promise here, in the presence of God, that faithfully you will exercise the said Charge, under our Sovereign ....., by the Grace of God, King of Great Britain, France and Ireland, and their dependent Dominions, renouncing all other foreign or alien allegiances, and will safeguard his rights. You will uphold and maintain all jurisdiction, privilege, pre-eminence and authority appertaining to His Majesty; and with all your will and strength, safeguard and cause to be safeguarded the said Island and Castle, against the incursions and surprise attacks of enemies, as well as the Liberties, Rights, Dignities, Laws, Customs and Privileges of the said Island and Castle, to the wellbeing and advancement thereof; Moreover you will uphold with all your strength the Justice of His Majesty, that the same be held in reverence and obeyed, and that the sentences and ordinances of the Courts be duly executed, opposing all traitors, murderers, thieves, mutineers, violent persons and seditionists, such that the authority of the King is upheld; all of which you promise in the discharge of your conscience.

### OATH OF JURATS

**YOU**.....in as much as it has pleased God to call you lawfully to this Office, do swear and promise by the faith and oath that you owe to God, that well and faithfully you will exercise the office of Jurat, in the Royal Court of our Sovereign ....., *by the Grace of God, King of Great Britain, France and Ireland, &c.* in this Island of Jersey, whose Majesty you acknowledge under God, supreme Governor in all his Kingdoms, Provinces, and Dominions, renouncing all other foreign or alien allegiances; you will safeguard the rights of *His Majesty*, and of His subjects, and uphold the honour and glory of God, and of his pure and sacred word; You will administer sound and swift justice to rich and poor alike, without favour, according to the Laws, Customs and Usages enshrined in our Privileges, upholding the same together with our liberties and freedoms, opposing whomsoever would seek to infringe them. Moreover you will cause to be punished and chastised all traitors, murderers, thieves, blasphemers against the holy Name of God, drunkards and other scandalous persons, consonant with the wrongdoing of each, opposing all seditionists, such that the authority of the *King* and of his Courts is upheld. You will attend the Court whenever you are required to do so unless prevented by a good and sufficient cause, in which case you will ensure that another Jurat attends in your place, giving your advice, opinion and counsel in purity of conscience. You will honour and respect the Court, and safeguard and cause to be safeguarded the rights of widows, orphans, aliens and other undefended persons; finally in your conclusions, you will take heed of the good advice and counsel of the Bailiff and of the other Jurats; all of which you promise on your conscience.

## OATH OF THE ADVOCATES OF THE ROYAL COURT

**YOU** swear and promise by the faith and oath that you owe to God, that well and faithfully you will exercise the office of Advocate of the Royal Court of our Sovereign....., by the Grace of God, King of Great Britain, &c. in this his Island of Jersey, the Majesty of whom you acknowledge under God, supreme Governor in all His Kingdoms, Provinces and Dominions, foreswearing and renouncing all other foreign and alien allegiances; You will safeguard the rights of His Majesty and of his subjects, and uphold the honour and glory of God and of his Church. You will defend and maintain the privileges, franchises, customs and liberties of the Island, opposing whomsoever might wish to infringe the same. You will neither undertake nor support, whether as plaintiff or defendant, any action which appears to you bereft of any legal right, or which is instituted or carried on in bad faith. You will not invent any facts, if your clients have not affirmed the same as true. You will not submit or allege any fact, custom or usage, which you know to be contrary to right and justice; and if any matter touches upon the right of His Majesty, you shall inform the Court, and uphold the same. You will not bargain or contract with your clients in relation to any cause being litigated or in contention, or any part thereof.

You will content yourself with charges and fees that are reasonable, and will assist widows, the poverty-stricken, orphans and undefended persons.

And finally in your conclusions, you will take heed of the good advice of the Bailiff, of his Lieutenant, and of the Jurats; attending the Courts, as the duty of your Office requires.

## OATH OF HIS MAJESTY'S RECEIVER GENERAL

**YOU** ..... inasmuch as it has pleased..... Governor in this Island of Jersey, under our Sovereign....., by the Grace of God, King of Great Britain, France and Ireland, &c. to name and choose you to as Receiver General of the His Majesty's Revenues in this said Island of Jersey, as appears by his order; swear and promise by the faith and oath that you owe to God, that you will be loyal and bear true allegiance to His Most Excellent Majesty, and to his Noble Successors, acknowledging him under God, Head, and Supreme Governor in all his Realms and Dominions; You will pursue and collect all rentes, debts and revenues of His Majesty by all lawful and judicial means, being responsible therein to the said Governor, to whom you shall be answerable, and to the Lieutenant-Governor, in that which concerns the Service of His Majesty.

## OATH OF THE CONNETABLES

You swear and promise, by the faith and oath that you owe to God, that you will well and faithfully discharge the duties and office of Connétable of the Parish of.....; you will cause to be kept the King's Peace; you will protect and uphold to the best of your ability the rights appertaining to the said Parish, and as touching the public welfare thereof, you will be guided by the advice and counsel of the Principals and other officers of the said Parish; which officers you will convene, or will cause to be convened through your Centeniers, regularly to advise on the affairs of the Parish; you will



execute the lawful orders of the Lieutenant Governor, of the Bailiff, of his Deputy and of the Judges and Jurats of the Royal Court, as pertaining to their respective offices, attending meetings of the States whenever you are called upon to do so; and all this and your bounden duty you promise upon your conscience to perform.

#### OATH OF THE CENTENIERS

You swear and promise by the faith and oath that you owe to God, that you will well and faithfully discharge the duties and office of Centenier of the Parish of.....; you will keep and cause to be kept the King's Peace; opposing and arresting all those who attempt or commit all manner of crime, délit or contravention, whom you shall bring to judgement to punished according to their misdeeds, abiding in this respect by the directions of His Majesty's Attorney General; you will protect and uphold to the best of your ability the rights appertaining to the said Parish, and as touching the public welfare thereof, you will be guided by the advice and counsel of the Principals, the Connétable and other officers of the said Parish; you will assist the Connétable to convene the said officers regularly, and convene them yourself should he require you to do so to attend as necessary to the affairs of the Parish; you will execute the lawful orders of the Lieutenant Governor, of the Bailiff, of his Deputy and of the Judges and Jurats of the Royal Court, as pertaining to their respective offices; and all this and your bounden duty you promise upon your conscience to perform.

#### OATH OF THE ROADS INSPECTORS

**YOU** swear and promise by the faith and oath that you owe to God, that you will well and faithfully discharge the office of Roads Inspector, in the Vingtaine of....., Parish of....., and that you will abide by, and duly execute, the Regulations from time to time made governing the repair and upkeep of the public highways, and generally discharge all the duties appertaining to the said office.

#### OATH OF THE PARISH PROCUREURS<sup>[11]</sup>

**YOU** swear and promise by the faith and oath that you owe to God, that you will discharge the office of Procureur du bien public of the Parish of .....; that you will conserve and augment the property of the Parish as you would your own, and more so if you are able; that you will in the execution of your duties take heed of the advice and counsel of the Principals and Officers, and *Chefs de Famille*<sup>[12]</sup> of the said Parish; and that you will generally discharge all other duties appertaining to the said office.

#### OATH OF VINGTENIERS

**YOU** swear and promise by the faith and oath that you owe to God, that well and faithfully you will discharge the office of Vingtenier of the Vingtaine of ..... in the Parish of .....; that you will execute due service of summonses and faithfully record the same, and that you will assist the Connétable, or Centeniers, whenever required to do so; and that you will generally discharge all other duties appertaining to the said office.

## OATH OF CONSTABLE'S OFFICERS

**YOU** swear and promise by the faith and oath that you owe to God, that well and faithfully you will discharge the office of Constable's Officer of the Parish of.....; and that you will assist the Connétable, or Centeniers, whenever required to do so; and that you will generally discharge all other duties appertaining to the said office.

## OATH OF ADMINISTRATORS

**YOU** swear and promise by the faith and oath that you owe to God, that well and faithfully you will discharge the duties of Administrator of the property of ..... who is absent from the Island, that you will conserve such property as you would your own, or more so if possible; and at the end of your period of office you will deliver good and faithful accounts to such person or persons as may be entitled to demand the same, *that you will be guided throughout by the advice and counsel of your electors.*<sup>[15]</sup>

## OATH CONFIRMING AGE OF MAJORITY AND CAPACITY<sup>[16]</sup>

**YOU** swear and promise by the faith and oath that you owe to God, that you will truthfully declare that which you know; namely, whether ..... son/daughter of ..... has attained the age of 20 years, and whether he/she is fit to manage and administer his/her property and affairs.

## OATH OF CONTRACTING PARTIES

**YOU** swear and promise by the faith and oath that you owe to God, that you will neither act nor cause anyone to act against this deed of sale/lease/agreement of *partage* in perpetuity, on pain of perjury.

## OATH OF PERSONS APPOINTED AS ATTORNIES

**YOU** swear and promise by the faith and oath that you owe to God, that you will neither act nor cause anyone to act against this power of attorney, until you be discharged therefrom, on pain of perjury.

## OATH OF WITNESSES

**YOU** swear and promise by the faith and oath that you owe to God, that well and faithfully you will tell the pure and entire truth of that which you know about the matters in issue between ..... without favour, hatred or partiality of any sort, as you will answer to God, in the discharge of your conscience.

## OATH OF *HOMMES DE VUE*<sup>[17]</sup>

**YOU** swear and promise by the faith and oath that you owe to God, that well and faithfully you will report to the Court the pure and entire truth, both of that which is within your knowledge and of that which you conscientiously believe, having

considered the land in question and the evidence of the parties, regarding the dispute for which present *Vue* has been convened, in accordance with the *acte* of Court, which you will do without favour, hatred or partiality, as you will answer to God, in the discharge of your conscience.

#### OATH OF *HOMMES DE LA VISITE DES CHEMINS*<sup>[18]</sup>

**YOU** swear and promise by the faith and oath that you owe to God, that you will conduct the Court along the Royal Highways and public Routes and Pathways where you believe there to be faults and encroachments, which faults and encroachments you will make known without any favour or partiality, as you will answer to God, in the acquittal and discharge of your conscience.

#### OATH TAKEN ON RENUNCIATION OR CESSION OF PROPERTY

**YOU** swear and promise by the faith and oath that you owe to God, that the general cession you now make of your movable and immovable property, is done for want of the means to satisfy your creditors.

#### OATH ON PLACING PROPERTY IN THE HANDS OF THE COURT TO OBTAIN A RESPITE<sup>[19]</sup>

**YOU** swear and promise by the faith and oath that you owe to God, that the statement of your property delivered this day by you in writing, is true and accurate to the best of your knowledge.

#### OATH OF *ARPENTEURS*<sup>[20]</sup>

**YOU** swear and promise by the faith and oath that you owe to God, that you will discharge the duties of *Arpenteur*, that you make true and accurate measurements, and will give good and faithful records, as you will answer to God, in the discharge of your conscience.

#### *TRESORS*<sup>[21]</sup>

#### REGULATION CONCERNING THE ADMINISTRATION OF THE PROPERTY OF THE CHURCH, AND RELIEF OF THE POOR

**THE** Connétable in each Parish shall have custody of all instruments and official documents concerning the property of the Church and Parish Relief; and shall enforce and defend the proprietary rights in such property, jointly with the *Procureurs*<sup>[22]</sup> of the Parish.

The Churchwardens shall be responsible for administering the income of the said property of the Church and Parish Relief, and with the said *Procureurs* shall enforce all bequests and legacies of movables made to the Church, or for the Relief of the Poor.

The income from the *Trésors* of the Churches shall be applied by the Churchwardens to the repairs, maintenance and needs of the Churches and the Rectories; but they may not, without consulting and obtaining the approval of the Minister, Principals, Connétable, Centeniers and Procureurs, order more than routine repairs, being repairs that are needed to be done without delay, for the preservation of the Churches.

The income of the *Charités*<sup>[23]</sup> shall be applied by the Churchwardens in each Parish respectively towards the maintenance of the Poor, as shall be determined by each of the Parish Assemblies; and if the said income is not sufficient, the difference must be made good by means of a supplementary rate which the Connétable shall cause to be levied on the Parishioners, as and when required.

A record shall be kept by the Churchwardens, of the amounts taken at the doors of the Churches, in the collecting boxes, or given or bequeathed to the poor, of which an extraordinary distribution shall be made on each quarter day, the week following Holy Communion, by the Minister, Principals, Connétable, Centeniers, Procureurs and the said Churchwardens, in each Parish as agreed by a majority of the said persons present, in order to provide for food and clothing for the Poor, as their needs require; and the surplus, if there be any, shall be applied for the further wellbeing of the said Poor; at the discretion of the persons so authorised: and in order to encourage special donations, the Ministers have offered, with the approval of the Dean, to join with this distribution the funds of the Offertory (His Majesty in Council having assented to the same) although in strict law they are empowered to dispose of the same themselves along with the Churchwardens.

The Churchwardens may not make an extraordinary distribution, without asking the advice of the abovementioned Ministers, Principals and Officers, and obtaining the consent of a majority of them, except in a case where persons are in immediate need, which shall not be taken to exceed what is necessary for the sustenance of the poor concerned, for as long as is necessary to inform the above authorised persons, and to take their advice in the matter.

The said Churchwardens shall render an account, before they can be given a discharge, that is to say: in the week after Easter Holy Communion, of their outgoings and receipts, to the Committee authorised in the matter of extraordinary distributions.

#### *TUTEURS*<sup>[14]</sup>

Tuteurs are obliged to take the same care of the property and affairs of minors as a responsible head of the family would do for his own, on pain of liability for fraud (*dol*) and neglect of duty.

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[1] Literally 'Constable', but the office of Connétable is not comparable with the English constable. 'Connétable' is used in Jersey statutes whether in English or in French.

[2] The standard land measurement is the *vergée*. There are 2.25 *vergées* to a British acre. 1 *vergée* = 40 *perches carrés* (19,360 square feet). 1 *perche carré* = a square each side of which measures one *perche* (484 square feet). 1 *ped de perche carré* = a square each side of which measures one *ped de perche* (121 square inches).

[4] An exceptional remedy where an appeal is not otherwise available.

[5] Land Court.

[6] A right of enjoyment of property during the proceedings.

[7] Literally 'Saturday Court'.

[8] In 1771, a charge on land securing certain payments in kind e.g. of wheat.

[9] Subdivision of the *livre tournois*. The *livre tournois* was Jersey currency, and continued to circulate in France, until 1834. A provision of the Code of 1771 regulated the exchange rate, but was later repealed – see translation: *Loi (1835) sur la Monnaie*.

[10] References to the Governor are defunct. Since 1856 the Crown has been formally and constitutionally represented in Jersey by the Lieutenant Governor.

[11] *Procureur du Bien Public* translates into English, technically, as 'Trustee of public property'.

[12] *Paterfamilias*, or head of a family or household: the term is no longer of any practical significance in this context.

[14] Literally 'tutor' in English, but *tuteur* prevails in ordinary usage.

[15] This part of the oath is defunct; it is no longer a requirement to convene electors.

[16] This oath has been defunct since the lowering of the age of majority (and the repeal of *enâgement*) by the Age of Majority (Jersey) Law 1999.

[17] See Part 14 of the Royal Court Rules 2004.

[18] Oath administered to Parish officials before the *Visite Royale*.

[19] From creditors

[20] An *arpenteur* is a type of land surveyor.

[21] Parish accounts relating to the Parish Church and Parish relief.

[22] *i.e. Procureurs du Bien Public*.

[23] Accounts relating to Parish relief.