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SHORTER ARTICLES AND NOTES
LE CONNÉTABLE ET SA PAROISSE

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1 Jersey has been divided into twelve parishes for a very considerable time. Owing to the lack of any documentary evidence, it is difficult to assess how ancient these divisions are. The opinion has been expressed that the five central parishes of Jersey – St Saviour, St John, St Mary, St Peter and St Lawrence – date back to around 475. Physical evidence would indicate that a church or chapel existed on the site of St Lawrence church possibly as long ago as the beginning of the seventh century¹. However, this was long before the ninth century when the Vikings made their appearance and long before the year 911 when Rollo was recognised as Duke of Normandy². The Channel Islands were added to the Duchy in about 933³. According to Le Patourel⁴, writing of the history of the Channel Islands before 1200, there is good evidence that the Jersey parishes were fully organised and that there was a considerable extent of ducal domain in the Island and, that as early as the eleventh century, it had a regular administration. The twelve parishes formed one rural deanery. The ecclesiastical parish developed early into an important unit of secular administration and the parish must have been a social entity of some antiquity⁵.

2 The first known reference to a *Connétable* in the records of the Island is dated 1462 but, if the parish had developed into a unit of secular administration as early as Le Patourel suggests, the office of *Connétable* must have been in existence long before then. Bois⁶ links the office of *Connétable* to that of High Constable which was created in England by statute in 1285 and that of Petty or Parish Constable which was instituted at a time not definitely known, but somewhere about the reign of Edward III (1327 – 1377). This is difficult to reconcile with Le Patourel's research, which points to the established organisation of the secular parish well before 1285, let alone the fourteenth century.

3 Whichever is the accurate historical analysis, it can fairly be deduced that the *Connétable* and his parish represent an institution which has existed in one form or another as an administrative unit for nigh on a thousand years.

4 Of the office of *Connétable* Jurat Charles Le Quesne in 1856 wrote⁷ -

¹ See Raoul Lemprière: *History of the Channel Islands* (1974 edition) pages 18 and 19

² by the Treaty of St. Clair-sur-Epte

³ Lemprière, *op. cit.*, page 21

⁴ *The Medieval Administration of the Channel Islands* (1937 edition) page 26

⁵ *Ibid*; pages 99 and 101

⁶ *A Constitutional History of Jersey* (paragraph 5/91)

⁷ *A Constitutional History of Jersey*

“The chief officer [of the parish] is the *Connétable* ..., who is elected by the parishioners for three years. To him is confided the general direction of the affairs of the parish. He is mayor of his parish, for the name does not convey to English minds the nature of the office. He is president of the parish assembly, or vestry, and of all the parish committees. He is head of the police; and his duties, in some cases, bear an analogy to those of a magistrate, or a *‘juge de paix’*. Being chosen from among the best men in the parish, he is looked up to by his parishioners; and he often quietly, in the country parishes particularly, settles many disputes and differences. It is his duty to see that order is preserved The *Connétable* ..., by virtue of his office, is a member of the States or Legislative Assembly of the Island. He is therefore a person of considerable importance and influence in his parish; and, as a member of the States, he has a voice in the general direction of the affairs of the Island. The office is one much sought after; one highly considered; and, in some cases, it is a means of attaining a higher office, that of Jurat, by affording opportunities of displaying abilities, honesty of purpose, a talent and aptitude for public business, and a zeal for the public welfare, which are the best recommendations to public favour and regard.”

5 The role of the office of *Connétable* in fostering the early growth of the Island’s democratic institutions cannot be overstated. The democratic credentials of the *Connétable* are of early origin. A Charter of Henry VII, dated 17th June, 1495, provided that –

“ *les Connétables de chacune Paroisse de la dite Isle soient franchement esleus et choisis par la plus ancienne partie des Gens de la dite Paroisse sans aucune recommandation du Capitaine ou des dits Jurés en cette partie*”.

6 Thus, the electorate (such as it was in the fifteenth century) of the parish was not to be influenced or coerced by those in authority or by what today some might term ‘the establishment’. Le Geyt⁸, writing at the end of the seventeenth century, recited that in affairs of *grande importance* the Bailiff and Jurats had ‘from time immemorial’ possessed the power and privilege to convene the clergy and the *Connétables* of the Island to form together “*un Commun Conseil, ordinairement appelé les Estats*”. Thus, in this early insular parliament (whose powers had yet to be separated properly from those of the Royal Court) the *Connétable* was the true voice of his parish and the *Connétables* collectively were the true voice of the people of the Island or, at any rate, those who were *pères de famille* paying rates. The importance of parochial representation in this early Assembly was underlined by the right (indeed duty) of the senior centenier to sit in the States if the *Connétable* was unavoidably prevented from doing so *par quelque réel et légitime empeschement*⁹.

7 The *Connétable* was (and is) of course the president of the Parish Assembly. Restricted in earlier times to ratepayers, its membership now is that of the entire electorate

⁸ *Privilèges, Loix et Coustumes de L’Isle de Jersey*: page 6

⁹ *Ibid.*, page 108

of the parish. The Assembly presumably is of similar antiquity to the office of *Connétable* itself. Its officers (apart from the *Connétable*) are –

- (i) the centeniers,
- (ii) the *procureurs du bien public*,
- (iii) the *surveillants*,
- (iv) the almoners,
- (v) the vingteniers,
- (vi) the constable's officers, and
- (vii) the *inspecteurs des chemins*.

8 The *Connétable* is required to convene an Assembly within eight days of receiving a request to do so from four or more members of the Assembly. The official notice must be placed in the Parish box (*boîte grillée*) in the Parish cemetery and notice must be given in the Jersey Gazette at least two days before holding the Assembly. The *Connétable* is required to put every matter proposed and seconded to discussion and to the vote¹⁰.

9 The traditional functions of the Parish Assembly were stated in the nineteenth century¹¹ to be –

- (i) the general superintendence of the parochial police;
- (ii) the care of the roads;
- (iii) the promotion of local improvements (new roads or drains, the removal of nuisances, etc);
- (iv) the administration generally of local charities;
- (v) the making of rates;
- (vi) the administration concurrently with the Constable of relief to the poor.

10 The functions in (i) and (iv) above have largely given way to new statutory regimes. The Attorney General is titular head of the Honorary Police and, in relation to charities, whilst parishes undoubtedly continue to have much involvement, it can no longer be said that they have the function, in a formal sense, of administering local charities. An important addition, however, to the original list of functions is the consideration by the Assembly of licensing applications under the Licensing (Jersey) Law 1974, as amended.

11 Parishes used to be responsible for all roads within their boundaries and it became the custom to levy a small rate to raise finance for this purpose. There has, however, been some transfer of administration to the States. The *Loi* (1914) *sur la voirie* provides for main roads (*grandes routes*) to be administered by the States and minor roads (*chemins vicinaux*) to be administered by the parishes. Each must establish a Roads

¹⁰ *Loi* (1804) *au sujet des Assemblées Paroissiales*

¹¹ List in the *Report of the Commissioners appointed to inquire into the civil, municipal and ecclesiastical laws of Jersey* (1861) at page lxi.

Committee (*Comité des Chemins*) and roads inspectors (*inspecteurs du travail des chemins*), two for each *Vingtaine*, must be appointed by the Assembly.

12 Down the centuries to the present day, the experience and insight gained by the *Connétable* from his presidency of the Assembly have conferred on the holder of the office a unique authority when speaking in the States on matters affecting the parish. In most cases, the *Connétable* will previously have served in other capacities as an officer of the parochial Assembly. Freely elected by the same electoral process as that which applies to a deputy of the parish, the *Connétable* is as much the authentic voice of the parish today as in earlier centuries when the remainder of the States consisted not of Senators and Deputies, but of Jurats and Rectors.

13 It has been proposed¹² that the voice of the *Connétable* no longer be heard in the States; that the States consist of deputies alone and that the functions of the office of *Connétable* be confined to the internal business of the parish and its Assembly. It is even thought that there exist some *Connétables* who hold that narrow view.

14 To some it may seem ironic that, whilst the United Kingdom is preoccupied with reform of a non elected second chamber, the office which was the seed of democracy in Jersey might no longer have a place in the Island's democratic forum. Some may think that the severing of one of the most enduring links in European history ought not to be effected unless, in that link, some real vice is apparent. What conspicuous vice there is in the *Connétable*, freely elected by the parish, possessed of unique experience, having a voice in the Parliament of this Island, is not readily discernable.

15 Conversely others may believe that there is a positive advantage, which has nothing to do with history, in maintaining a direct link through the *Connétables* between the parish assemblies and the States. The parish assemblies are sometimes criticised for being sparsely attended and amenable to manipulation by 'packing' with supporters. But a similar criticism might be levied against the electoral system itself, particularly in by-elections, where a deputy or even a senator may be elected to office by a relatively tiny percentage of the electorate. For democracy to flourish it is necessary that all the people play their part in the democratic process. What has been regularly proved in the context of parish assemblies is that, if the issue is important, parishioners will generally attend. And even if the issue is not particularly important, the assembly provides an opportunity for the airing of local concerns and grievances. The *Connétable*, who chairs the assembly, is bound to have regard to and to reflect those local concerns and grievances in the States Assembly. The deputy, or one of them, may take up the grievances of

¹² *Report of the Review Panel on the Machinery of Government in Jersey*, published January 15th, 2001

individual constituents. But it is for the *Connétable* to represent as he thinks fit the views of the parish as a whole. That is healthy for democracy.

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