

ORDER IN COUNCIL REGULATING APPEALS TO HIS
MAJESTY IN COUNCIL FROM GUERNSEY.

At the Court at Carlton House, the 13th of May, 1823.

PRESENT,

The King's Most Excellent Majesty.

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| Lord Chancellor. | Earl of Liverpool. |
| Lord President. | Lord Charles Bentinck. |
| Lord Privy Seal. | Viscount Melville. |
| Duke of Montrose. | Viscount Sidmouth. |
| Lord Steward. | Lord Maryborough. |
| Marquis of Winchester. | Lord Bexley. |
| Marquis of Graham. | Mr. Secretary Peel. |
| Earl Cathcart. | Mr. Wynn. |

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, &c., dated the 2nd of this instant in the words following, viz. :—

At the Council Chamber, Whitehall, the 2nd of May, 1823.

By the Right Honourable the Lords of the Committee of Council for the affairs of Guernsey and Jersey.

Your Majesty having been pleased by your Order in Council of the 23rd day of May, 1816, to refer unto this Committee a Report of the Commissioners who had been appointed to go into Your Majesty's Island of Guernsey and to examine into the laws now in force and administered between debtors and their creditors, and particularly as to the law of arresting and holding to bail debtors and others sued for damages as well natives of Your Majesty's said Island as other Your Majesty's subjects sojourning and inhabiting in the said Island, and as to the Law of Renunciation and Cession as administered and practised there, and as to all distinction in the said law between the natives of Your Majesty's said Island and Your Majesty's other subjects sojourning and inhabiting in the said Island with respect to the several matters aforesaid, the Lords of the Committee in obedience

to Your Majesty's said Order of Reference, took the said Report into consideration and caused a copy thereof to be transmitted to the Royal Court of Guernsey for such observations as the Royal Court might think fit to make thereupon, and their Lordships also directed a copy of the said Report to be communicated to Your Majesty's Attorney and Solicitor-General of their observations ; and the observations of the Royal Court having been received the same were also transmitted to Your Majesty's Attorney and Solicitor-General, who, having submitted their remarks and opinions as well on the Report of the Commissioners as on the letter from the Royal Court, the Lords of the Committee did at several times take the subject matter thereof into consideration, and having transmitted their opinions, under sundry heads, to the Royal Court and upon some points required more precise information, the Royal Court sent over their observations in reply, and their Lordships having considered the same referred them to Your Majesty's Law Officers together with sundry documents on the subject of the said Report of the Commissioners ; and also a memorandum drawn up by their Lordships respecting several proposed alterations in the Laws of Guernsey ; and the Lords of the Committee having received the Report of Your Majesty's said Law Officers thereupon this day took the whole subject into consideration and do agree humbly to report to Your Majesty their opinion.

1. With regard to the " Cour d'Appel devant plus de Jures." That the proposal of the Commissioners should be adopted, viz., that the Court be abolished.

2. With regard to appeals from the " Cour Ordinaire to the Cour des Jugemens." That no depositions in writing should be taken nor appeal allowed when the sum in dispute does not exceed the amount of 150 livres Tournois.

3. With respect to " Appeals to the King in Council." That such appeals shall be confined to cases where the object in dispute, if real property, amounts to the value of £10 sterling per annum, or if personal of £200 sterling, and that such appeals should be prosecuted within the space of six months from the date of the judgment complained of.

4. With regard to " Arrests." That no arrest of the person should be permitted for any sum under £5 sterling ; and that it should in all cases be founded on an affidavit taken before the Bailiff or Lieutenant Bailiff or before any one Jurat of the Court ; and that all persons, whether *fondés en héritage* or not, should be equally liable to arrests for debts due on promissory notes, bills of exchange, or other negotiable securities.

5. With respect to " Bail." That it should be made a requisite qualification of Bail, whether *fondés en héritage* or not, that he should prove himself possessed of sufficient property over and above the payment of his own just debts to answer the demand of the plaintiff, one-half at least of which property shall be real estate within the Island ; that the proof in all cases should be the oath of the party, subject to *vivâ voce* examination on the part of the plaintiff in the cause. The Bail to be given either to pay the debt or to surrender the defendant.

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6. With regard to the privileges claimed by those who are *fondés en héritage* of having their goods exempted from attachment, that such privileges should be abolished.

7. With respect to the mode of Award Costs. That the Table of Costs should be revised so as to make the charges awarded correspond with those necessarily incurred.

8. With regard to the "Commis." That the Commis should be ordered to class the several articles of an account dependent on each other or of the same nature under distinct heads, and that the number of causes should be limited by the number of these heads.

And with regard to the Law of Cession and Renunciation and that respecting guarantee the Lords of the Committee beg leave humbly to represent to Your Majesty that they defer their Report till they shall have received some further observations thereon from the Royal Court.

His Majesty having taken the said Report into consideration was pleased, by and with the advice of His Privy Council, to approve thereof and to order, as it is hereby ordered : That the " Cour d'Appel devant plus de Jures " in the Island of Guernsey be abolished.

That in appeals from the Cour Ordinaire to the Cour des Jugemens no depositions in writing be taken nor appeal allowed where the sum in dispute does not exceed the amount of One hundred and fifty livres Tournois.

That appeals to His Majesty in Council shall be confined to cases where the object in dispute if real property amounts to the value of Ten pounds sterling per annum, or, if personal, of Two hundred pounds sterling ; and that such appeals be prosecuted within the space of six months from the date of the judgment complained of.

That no arrest of the person be permitted for any sum under Five pounds sterling ; and that it be in all cases founded on an affidavit taken before the Bailiff or Lieutenant Bailiff or before any one Jurat of the Court ; and that all persons, whether *fondés en héritage* or not, be equally liable to arrest for debts due on promissory notes, bills of exchange, or other negotiable securities.

That it be made a requisite qualification of Bail, whether *fondés en héritage* or not, that he prove himself possessed of sufficient property over and above the payment of his own just debts to answer the demand of the plaintiff, one-half of which property shall be real estate within the Island ; that the proof in all cases shall be the oath of the party, subject to *vivâ voce* examination on the part of the plaintiff in the cause ; the Bail being given either to pay the debt or to surrender the defendant.

That the privilege claimed by those who are *fondés en héritage* of having their goods exempted from attachment be abolished.

That the Table of Costs be revised so as to make the charges awarded correspond with those necessarily incurred.

That the Commissioners be ordered to class the several articles of an account or dependent on each other or of the same nature under

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distinct heads, and that the number of causes be limited by the number of these heads.

And His Majesty doth hereby further direct that this Order be registered in the Royal Court of the said Island of Guernsey.

Whereof the Bailiff and Jurats of the Royal Court of the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.
