

SECTION B.—PLEADINGS
SECTION B. — PIÈCES ÉCRITES

1. MEMORIAL SUBMITTED BY
THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND

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THE CASE OF THE MINQUIERS AND THE ECREHOUS *

INTRODUCTION

1. This Memorial is submitted to the Court in pursuance of an Order made by the Vice-President of the Court dated the 15th January, 1952, following upon the notification dated the 6th December, 1951, addressed to the Registrar of the Court by Her Britannic Majesty's Ambassador at The Hague, of the special agreement concluded between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic. This special agreement, which was signed in London on the 29th December, 1950, and the ratifications of which were exchanged in Paris on the 24th September, 1951, on which day the agreement entered into force, reads as follows :

SPECIAL AGREEMENT FOR SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF DIFFERENCES BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FRENCH REPUBLIC CONCERNING SOVEREIGNTY OVER THE MINQUIERS AND ECREHOS ISLETS

London, 29th December, 1950.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic ;
 Considering that differences have arisen between them as a result of claims by each of them to sovereignty over the islets and rocks in the Minquiers and Ecrehos groups ;

* The Islets are spelled "Minquiers" and "Ecréhous" throughout the text of this Memorial ; where, however, variant spellings of the names have been found in quotations, these have been left unaltered.

Desiring that these differences should be settled by a decision of the International Court of Justice determining their respective rights as regards sovereignty over those islets and rocks;

Desiring to define the issues to be submitted to the International Court of Justice;

Have agreed as follows:

ARTICLE I

The Court is requested to determine whether the sovereignty over the islets and rocks (in so far as they are capable of appropriation) of the Minquiers and Ecrehos groups respectively belongs to the United Kingdom or the French Republic.

ARTICLE II

Without prejudice to any question as to the burden of proof, the Contracting Parties agree, having regard to Article 37 of the Rules of Court, that the written proceedings should consist of—

- (1) a United Kingdom memorial to be submitted within three months of the notification of the present Agreement to the Court in pursuance of Article III below;
- (2) a French counter-memorial to be submitted within three months of delivery of the United Kingdom memorial;
- (3) a United Kingdom reply followed by a French rejoinder to be delivered within such times as the Court may order.

ARTICLE III

Upon the entry into force of the present Agreement, it may be notified to the Court under Article 40 of the Statute of the Court by either of the Contracting Parties.

ARTICLE IV

(a) The present Agreement shall be subject to ratification.

(b) The instruments of ratification shall be exchanged as soon as possible in Paris and the present Agreement shall enter into force immediately upon the exchange of ratifications.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done in duplicate in London, the 29th day of December, 1950, in English and French, both texts being equally authoritative.

(L.S.) W. E. BECKETT.

(L.S.) ANDRÉ GROS.

2. In accordance with Article II of the Agreement and with Article 37 of the Rules of the Court, the Vice-President of the Court, in the Order dated the 15th January, has fixed as time limits for the filing of the Memorial and the Counter-Memorial the 6th March, 1952, and the 6th June, 1952, respectively.

3. In this Memorial the Government of the United Kingdom set out the grounds on which the Court is asked to declare :

That the United Kingdom is entitled under international law to full and undivided sovereignty over the Islets and Rocks (in so far as they are capable of appropriation) of the Minquiers and the Ecréhous groups.

4. This Memorial is divided into four Parts. The first three Parts, constituting the body of the Memorial, are contained in Volume I*. These individual Parts themselves are divided :

- (a) Part I, which is sub-divided into three Sections, contains :
- (i) In Section A, a topographical description of the Channel Islands in general, and each of the two groups of Islets, together with a list of those Rocks which are always above water.
 - (ii) In Section B, a brief and factual outline of the historical position of the Channel Islands between 1200 and 1800 in relation to England and France, together with such relevant details as are known about the two groups of Islets themselves.
 - (iii) In Section C, an account of the historical background to the present dispute during the 19th and 20th centuries.
- (b) Part II contains the facts relating to the Ecréhous and the Minquiers groups, which support the claim of the United Kingdom to sovereignty over these Islets and Rocks. The case of the Ecréhous group is taken first in Section A of this Part, because the documentary evidence, dating back, as it does, to the 13th century, is more ancient than that relating to the case of the Minquiers, which is contained in Section B of this Part.
- (c) Part III contains the submissions of the United Kingdom on the legal issues involved in the case, and the statement of the United Kingdom claim.
- (d) Part IV comprises the Annexes, containing supporting evidence from manuscript and printed sources, charts and photographs, and is divided into three Volumes :
- (i) Volume II containing printed Annexes from A1 to A140.
 - (ii) Volume III containing Charts from B1 to B9.
 - (iii) Volume IV containing Photographs from C1 to C20.
- (e) In addition there are separately submitted for the convenience of the Court twenty-five sets of certified photostatic copies, authenticating those printed Annexes which relate to medieval evidence before 1485 (unless this has

* See pp. 11-125 [*Note by the Registrar.*]

been printed) taken from the national archives, and to local evidence from Jersey archives; one set of which will include photostatic copies authenticating all the remaining (and more modern) printed Annexes.

PART I

TOPOGRAPHY, EARLIER HISTORY AND HISTORICAL BACKGROUND IN THE 19th AND 20th CENTURIES

SECTION A.—TOPOGRAPHY

*General Topography of the Channel Islands*¹

5. The archipelago known as the Channel Islands lies in the rectangular bay formed by the west coast of the Department of *Manche* (the *Cotentin*) and the north coast of the Departments of *Ille-et-Vilaine* and *Côtes-du-Nord*, roughly between Lat. 49° 47' N. and Lat. 48° 50' N. The principal Islands are Jersey, Guernsey, Alderney, Sark, Herm and Jethou. In addition, there are a great number of Islets and rocks, some of which are inhabited. The Channel Islands fall into four groups:

- (a) The most northerly group, which lies due west of *Cap de la Hague*, and consists of Alderney, Burhou, Ortac, the Casquets, and many other Islets.
- (b) The second and most westerly group, which consists of Guernsey, Sark, Herm, Jethou and a few Islets to the east and west of them.
- (c) The third group, south-east of the second and separated from France by the strait known as *La Déroute*, includes Jersey and a few Islets, of which the most important are now collectively known as the *Ecréhous*, lying north-east of Jersey.

Of the rocks permanently above water in the *Ecréhous* group, that nearest to Jersey lies 3.9 sea-miles² north-east of *La Coupe Point*, the extreme north-east point of Jersey, and that nearest to the French mainland lies 6.6 sea-miles south-west of *Cap de Carteret*. The principal Islet is known as *Maître Ile*, and lies 4.95 sea-miles from *La Coupe Point*, and 7.3 sea-miles from *Cap de Carteret*.

- (d) The fourth and last group consists of the *Minquiers*, due south of Jersey. Of the rocks permanently above water in the *Minquiers* group that nearest to Jersey lies 9.8 sea-miles due south of *La Motte*, the most southerly point of Jersey, and that nearest to the French mainland lies 16.2 sea-miles from *Pointe du Meinga*.

¹ British Admiralty chart No. 2669. See Annex B 1.

² A sea-mile is a sixtieth part of a degree of latitude. In the latitude of the *Ecréhous* this would be 2,027.01 yards.

The *Iles Chausey*, belonging to France, lie between the Minquiers and the mainland of France, and are separated from the Minquiers by 8 sea-miles.

The Ecréhous Group

6. The Ecréhous group is more compact than the Minquiers; it consists of reefs on which lie several Islets and numerous above-water, drying and sunken rocks. The group extends about 4 sea-miles east-south-east from a position about $4\frac{1}{2}$ sea-miles north-east of La Coupe Point (Lat. $49^{\circ} 14' N.$, Long. $2^{\circ} 02' W.$), the north-eastern extremity of Jersey. The most important of the Islets and above-water rocks forming part of the Ecréhous are the following:

- (a) Maître Ile, the largest (about 300 yards by 150 yards). This contains a house ¹ occupied by Lord Trent of Nottingham, whose predecessor obtained a lease of the entire Islet from the Crown in 1923, the ruins of an ancient priory ², a slipway and a beacon.
- (b) Marmotière, situated about $3\frac{1}{2}$ cables ³ northward of the beacon on Maître Ile and almost joined to Maître Ile at low water. This Islet contains a Custom House, slipway and flagstaff, all maintained by the States of Jersey, as well as fourteen granite huts ⁴ owned by Jerseymen; twelve of these are occupied and two are in ruins.
- (c) Blanc Ile. At low tide this is joined to Marmotière. It contains a modern two-storied house ⁵ owned by Major R. J. B. Bolitho of Jersey, and two or three half-ruined huts ⁶.

All the habitable buildings on Marmotière and Blanc Ile are occupied from time to time during the spring and summer by Jerseymen, partly by fishermen and partly for holiday purposes.

Particulars of Rocks above water in the Ecréhous Group

7. The following list of rocks which are above water within the Ecréhous group is based on the British Admiralty chart No. 3367 ⁷ and the French chart No. 826. The rocks (with appropriate details and their local Jersey names in brackets, if differing from those on official charts, or identifying rocks unnamed by these charts ⁸), are the following:

¹ See Annex C 1.

² See Annex C 2.

³ A cable is one-tenth of a sea-mile (an approximation is 200 yards).

⁴ See Annexes C 3, C 4, C 5.

⁵ See Annex C 6.

⁶ See Annex C 6.

⁷ Chart with the Islets and Rocks ringed in red. See Annex B 2.

⁸ There are no official Jersey names, and the local ones have either been given by past generations of Jersey fishermen, or are in use amongst those of the present day. Their spelling is sometimes phonetical.

- (a) Maître Ile (named Maitresse Ile on the French chart). This is the main Islet of the group, and is 25 feet high¹. Near to it are the following rocks:
- (i) Rock (Les Eclets) about 3 cables south-south-west of the beacon on Maître Ile; it is shewn on the French chart with a symbol (T) denoting it as permanently dry (*i.e.*, above water). There is a drying figure (*i.e.*, the figure shewing its height above the datum of the chart) 7.9 metres close northward. On the British Admiralty chart it is not clearly shewn as permanently dry. A drying height of 22 feet is shewn to be close north of it. Allowing for the difference in datums of the French and British charts these figures agree.
 - (ii) Rock (La Chapelle) about $1\frac{1}{4}$ cables south-south-west of the beacon on Maître Ile. No height is given on the charts.
 - (iii) Rock (L'Osweigh) about one cable south-south-east of the beacon on Maître Ile. No height is given on the charts.
 - (iv) Five rocks (Le Four) within $1\frac{3}{4}$ cables north of beacon on Maître Ile. No heights are charted. All of these five rocks lie on the drying ledge north of the Islet but two only are shewn on the British Admiralty chart.
- (b) Bouvet (Le Bousset). 6 feet high.
 - (c) Bigorne. 19 feet high.
 - (d) Colombier (Le Haut). 15 feet high.
 - (e) Grande Galère (Grand Galai). 10 feet high.
 - (f) Grande Rousse. 27 feet high.
 - (g) Green Rock (Grande Brec). No height is given on charts.
 - (h) Grosse Tête. 27 feet high. Two permanently dry rocks (called locally Grosse Tête and Graveli) are shewn here on the French chart, separated by about a cable. No height is given for the south-eastern one. One rock only is shewn on the British Admiralty chart.
 - (i) La Vielle. 19 feet high.
 - (j) Les Côtes. 25 feet high. Six rocks are shewn for this group on the French chart and five on the British Admiralty chart.
 - (k) Marmotière (Marmotier). Shewn on the French chart as two separate Islets and on the British Admiralty chart as two Islets joined by a causeway above water. No heights are given on the charts, but houses are shewn on both the main Islets. The northern Islet is known as Blanc Ile.
 - (l) Petite Rousse. 17 feet high.

¹ Heights are measured from High-Water Mark.

- (m) Rocheport (La Ruardhe Port). Shewn on the British Admiralty chart as an Islet, but not as such on the French chart.
 (n) Sablonière. 6 feet high.
 (o) Tas de Pois (Tas de Pais). 15 feet high.

The Minquiers Group

8. The Minquiers are a widely scattered collection of Islets, and of above-water, drying and sunken rocks and reefs, together with numerous banks of shingle, gravel, and sand. The only inhabited Islet is Maitresse Ile (200 yards by 50 yards), which is situated $11\frac{1}{2}$ sea-miles south of La Roque¹ Point (Lat. $49^{\circ} 10' N.$, Long. $2^{\circ} 02' W.$) on the mainland of Jersey and 17 sea-miles north-north-west of *Pointe du Meinga* (Lat. $48^{\circ} 42' N.$, Long. $1^{\circ} 56' W.$), the nearest point on the mainland of France. The French Islands named *Iles Chausey* lie about $8\frac{1}{2}$ sea-miles east-south-east of Maitresse Ile.

9. The only other habitable Islet in the Minquiers group is Les Maisons, about $4\frac{1}{2}$ sea-miles west of Maitresse Ile. On Maitresse Ile itself, however, the States of Jersey maintain a substantial slipway² which affords the only means of landing, a Custom House, a house for the Bailiff of Jersey³, a small first-aid building and a flagstaff⁴. There are also about a dozen huts⁵ belonging to Jersey men; all but two of these were stripped of roof and woodwork during the Second World War, when the Germans maintained an anti-aircraft post on the Islet.

10. Since the end of the Second World War the States of Jersey have built a large wooden hut for the use of their fishermen, who occupy it while fishing from the Islet during the spring and summer. The Islet also contains a wooden hut erected by a party of Frenchmen in June, 1939, and a flagstaff was erected by some Frenchmen in August, 1945.

Particulars of Rocks above water in the Minquiers Group

11. The following list of rocks which are above water within the Minquiers group is based on the British Admiralty chart No. 2100⁶ and on the French chart No. 4599. The rocks (with appropriate details and their local Jersey names in brackets, if differing from those on official charts, or identifying rocks unnamed by these charts) are the following:

- (a) Maitresse Ile. This, the main Islet of the group, is 31 feet high. Near to it are the following rocks:

¹ In Jersey this name is invariably spelled La Rocque.

² See Annex C 7.

³ See Annex C 8.

⁴ See Annex C 9.

⁵ See Annex C 10.

⁶ Chart with Islets and Rocks ringed in red. See Annex B 3.

- (i) Rock (Grand Guillot or Grune Guillot). 14 feet high ; $1\frac{1}{4}$ cables north-east of flagstaff on Maîtresse Ile.
 - (ii) Rock (The Puffin). One cable north-east of flagstaff.
 - (iii) Rocher N (Nord) E (Est). 15 feet high ; one cable east of flagstaff.
 - (iv) Rock (Petit Maître Ile). One cable south-west of flagstaff.
 - (v) Rocher Blanc (Blanche Rocque or Blanche Crôc). About 3 cables south-east of the flagstaff.
No heights are charted in the case of (ii), (iv) and (v), above.
- (b) Cheminée (Le Grand Cheminée Godfray or Chiminée Godfray). 8 feet high.
- (c) Fourchi Rouge (La Rouge Frouchi). 8 feet high.
- (d) Grand Vascelin. Two rocks about 7 feet high, shewn on the French chart as 12.6 and 12.3 metres above datum, or about 3 feet and $2\frac{1}{2}$ feet above mean high water spring tides.
- (e) Grune du Brai (Petit Cheminée Godfray). One foot high. Near to it is : Rock. About $2\frac{1}{2}$ cables northward. This is marked on the British Admiralty chart as 2 feet high, but on the French chart, this rock is shewn as drying 10.5 metres, or about three feet *below* the level of mean high water spring tides.
- (f) Grunes de Norman, Haute Grune (Grune de Norman). 3 feet high.
- (g) Le Faucheur (Pointue Faucheur). The southernmost rock is 11 feet high. Near to it are the following rocks :
- (i) Rock (Rond Faucheur). 11 feet high. $1\frac{1}{2}$ cables north-east of southernmost rock.
 - (ii) Rock (Piat Faucheur). $2\frac{3}{4}$ cables north-north-east of southernmost rock. No height is charted.
 - (iii) Rock (Faucheur à la Mauve). 8 feet high. $3\frac{1}{4}$ cables north-north-east of southernmost rock.
 - (iv) Rock. 3 feet high. 5 cables north-east of southernmost rock.
 - (v) Rock (Le Poseye). One foot high. $8\frac{1}{4}$ cables north-north-east of southernmost rock. Shewn on the French chart as drying 11.7 metres or 0.2 metres above mean high water spring tides.
- (h) Le Figuier (Le Fi Gee). One foot high.
- (i) Les Maisons (Grand Maison or The Maison). The southern rock is about 20 feet high. Nearby are the following rocks :
- (i) Two rocks (La Cormôranderie). 15 feet high, about a cable north-west of the southern rock.

- (ii) Rock (La Petite Maison). 18 feet high, about a cable north-east of the southern rock.
- (iii) Rock (La Mathe à Sous). 8 feet high, about 3 cables north-west of the southern rock.
- (iv) Rock (Rocher à Gway). About 4 cables north-east of the southern rock. No height is charted.
- (j) Pipette Rocks. The rock known as Grand Haguët (called locally Le Gros Bût or Cloud of Iona) in this group is 4 feet high. It is shewn on the French chart as drying 12·3 metres which is 0·8 metres above mean high water spring tides. In addition there are the following rocks :
 - (i) Rock (Grand Pipette or Beacon Rock). About 6 feet high and about 4 cables east of Grand Haguët.
 - (ii) Rock (Gros Bût). About a cable south-west of (i). No height is charted.
 - (iii) Rock (Rouge Chateau). About 3 feet high and about 3 cables south-east of (i).
- (k) Plate à Sablon (Piate à Sabion). 4 feet high. It is shewn on the French chart as drying 11·3 metres, which is 0·2 metres *below* the level of mean high water spring tides.
- (l) Pointue à Sablon. 2 feet high.
- (m) Rocher du Sud (Gros Rocher du Sud). 13 feet high.
- (n) Rocher du Sud Bas (Rond Rocher du Sud). This is a rock 5 feet high. Near to it are :
 - (i) Rock (Grand Grune de Brai). 10 feet high. This is charted on the Admiralty chart No. 2100 as 10 feet high, and on the French chart No. 4599 as 13 metres = 5 feet high. It is about a cable north-west of the Rocher du Sud Bas.
 - (ii) Rock (Petit Grune de Brai). This is shewn on the French chart close northward of the southernmost rock, but no height is given.

Nomenclature

12. In this Memorial, unless the context otherwise requires, all references to the "Ecréhous" or to the "Islets and Rocks of the Ecréhous group", and to the "Minquiers" or to the "Islets and Rocks of the Minquiers group", include respectively all the Islets and Rocks in each group, particulars of which are given in the preceding paragraphs.

SECTION B.—THE CHANNEL ISLANDS AND THE ECREHOUS AND MINQUIERS ISLETS—THEIR HISTORY, 1200-1800

Introductory

13. This Section is divided into three Sub-Sections. Sub-Section A provides a summary of the leading events in the history of the

Channel Islands as a whole, together with a brief account of Anglo-French relations in Normandy. The material is treated factually. No attempt is made to describe in detail the complex administrative organization in the Middle Ages, though occasional references to it are necessarily made. Sub-Section B includes all the relevant facts relating to the period in question, which it has been possible to discover concerning the Ecréhous and Minquiers Islets. Finally, some account of the present constitution of Jersey is appended as Sub-Section C.

Sub-Section A.—The Channel Islands : General History

General Anglo-French History, 1066-1475

14. The union of England and Normandy was accomplished on the 14th October, 1066, when William, Duke of Normandy, on the pretext of being the acknowledged heir of the English King, Edward the Confessor (1042-1066), defeated and slew at Senlac Hill near Hastings in Sussex, Harold II (January-October, 1066); who had seized the throne on the Confessor's death. Following this victory, William had, within a few years, brought the rest of England under his rule.

15. The Norman Conquest was, however, in no sense the migration of a race from one territory to another. During the 10th and 11th centuries the Norsemen (Normans) had firmly established themselves in Normandy, and consolidated a growing principality, which admitted but a nominal suzerainty to French Kings. It was not their intention to abandon this rich conquest (which included the Channel Islands); and thus King William I of England (1066-1087) devoted equal attention to both England and Normandy; his barons held large estates in both, and the principles of feudalism as practised in the Duchy were introduced into the newly-won kingdom.

16. After William's death there were occasions when inheritance or rebellion threatened to break this union. But, under King Henry II of England (1154-1189), the authority of a single sovereign was firmly established in both England and Normandy. Moreover, by Henry's marriage with Eleanor of Aquitaine, considerable new territories were added to his dominions. Towards the end of Henry's reign, another danger to the retention of Normandy and other French possessions began to appear. King Philip II (Philip Augustus) of France (1180-1223) was to concentrate increasingly on transforming into an actual, a hitherto nebulous, overlordship over his powerful vassal, the Duke of Normandy, who held in addition other extensive territories in France and was, moreover, now the sovereign King of England. The opportunity presented itself soon after Henry II's death in 1189, through the long absence—partly on Crusade, partly in captivity—of the English

King, Richard I (1189-1199), the intrigues of his brother, John, and, lastly, through the premature death of Richard, whose military prowess alone was enough to thwart Philip's designs. Seizing a legal pretext to invade Normandy in 1202, the French King had, by 1204, driven King John of England (1199-1216) from continental Normandy.

17. Meanwhile, Philip's ambition to conquer England was attempted during his lifetime by his son, Louis (afterwards Louis VIII), partly at the invitation of a rebellious English baronage. The attempt, however, failed; and, by the Treaty of Lambeth, signed on the 12th September, 1217¹, it was agreed, *inter alia*, that both sides should recover the possessions which they had held before Philip's invasion of Normandy in 1202. This provision included such of the Channel Islands as still remained in French hands (see paragraph 24, below).

18. John was succeeded by his son, King Henry III of England (1216-1272), who made several unsuccessful attempts to regain his lost possessions on the mainland of France. By a treaty drawn up at Abbeville on the 18th May, 1258, and ratified at Paris in October, 1259², Henry renounced all claims to continental Normandy, as well as certain other possessions there; but the Channel Islands are not expressly mentioned. Promises of the restitution of various other territories made by the French King, Louis IX (1226-1270), tardily or never implemented, led to fresh disputes. Some attempt was made to settle disputed points at Périgueux in 1311, when the French claimed that, in virtue of the Treaty of 1259, all the Islands adjoining Normandy, Saintonge and Poitou should be theirs. To this, the English replied that, in their opinion, according to the terms of the Treaty, the King of England (*i.e.*, Edward II (1307-1327)) could neither surrender nor restore any Islands³. The meeting at Périgueux reached no conclusion; but the English were in undisputed possession of the Channel Islands at the time.

19. The first phase of the Hundred Years' War (1337-1453) between England and France⁴ was ended by the Treaty of Calais (often referred to as the Treaty of Brétigny) in 1360. This instrument, which was ratified at Calais on the 24th October, 1360⁵,

¹ Rymer, *Fœdera*, &c. (Revised Ed.), vol. i, pt. i, p. 148. Some brief account of the various sources on which this Memorial and its supporting Annexes are based will be found as a Textual Preface to Volume II (Printed Annexes).

² Exchequer (Treasury of Receipt), Diplomatic Documents, No. 10. See Annex A 1.

³ M. Gavrilovitch, *Etude sur le Traité de Paris de 1259* (1899), pp. 128, 140-3 (*Pièces Justificatives*, No. VIII).

⁴ The origins of the War are complex, but its ostensible cause was the claim of King Edward III of England, through his mother, Isabel, daughter of King Philip IV of France (1285-1314), to the French throne.

⁵ Treaty Roll, 34 Edward III, pt. 4, m.2. See Annex A 2. A draft of this Treaty was signed (but never ratified) at Brétigny on the 8th May, 1360, which differs somewhat from that signed and ratified at Calais.

gave to King Edward III of England (1327-1377) numerous territories in the south-west, west and north of France. No mention was specifically made of the Channel Islands; but, by Article 6 of the Treaty, it was agreed that "*le dit Roi Dengleterre [i.e., King Edward III of England] et ses heirs auront et tendront toutes les Isles adiacens aus terres païs et lieux auantnommez ensamble avec toutes autres Isles le queux le dit Roi Dengleterre tient a present*". ("The said King of England and his successors shall have and hold all the Islands adjacent to the lands, the countries and places above-named, together with all the other Islands which the said King of England now holds"). Before the signing of the Treaty of Calais, however, an attempt had already been made to treat for peace. On the 24th March, 1359, a secret agreement had been concluded in London between the captive King of France, John II (1350-1364), and Edward III, which restored to the English Crown in perpetuity "*toute la duchié de Normandie, entièrement avecques toutes les cités, chasteaux, diocèses, terres, païs et lieux de mesme la duchié, avecques toutes ses appartenances et appendances quesconques*" ("all the Duchy of Normandy, entirely with all its cities, castles, dioceses, lands, regions and places lying within the Duchy itself with all its appurtenances and dependencies whatsoever")¹. One year later, however, this secret agreement was replaced by the Treaty of Calais referred to above.

20. At the outset of his reign, King Henry V of England (1413-1422) revived the pretensions of Edward III, his great-grandfather. The Agincourt campaign of 1415, which had begun with an invasion of Normandy, was largely a trial of strength: the serious invasion of the Duchy was not undertaken until 1417, when it was systematically occupied. By the Treaty of Troyes on the 21st May, 1420², Henry obtained the hand of Katherine, daughter of the French King, Charles VI (1380-1422), and was acknowledged heir to the French Crown. In addition, he was to retain continental Normandy and the rest of his conquests—even in Charles' lifetime. After Henry's death in 1422, the English hold on France gradually weakened and, by 1453, Calais and the Channel Islands alone remained in English hands. No formal instrument ended the Hundred Years' War, but exhaustion and the dynastic war in England between the rival Houses of Lancaster and York combined to prevent a renewal of the struggle.

21. In 1472, however, King Edward IV of England (1461-1483) began seriously to consider the possibility of recovering continental Normandy—even the French Crown itself—and landed at Calais

¹ Art. 4. This Treaty was for a long time unknown until first printed in 1833 from a 14th century text discovered at Poitiers: cf. E. Cosneau, *Les Grands Traités de la Guerre de Cent Ans* (1889), pp. 2, 5.

² Exchequer (Treasury Receipt), Diplomatic Documents, No. 411. See Annex A 3.

in July, 1475. By the Treaty of Picquigny on the 29th August, 1475, Edward was bought off with a large sum of money by King Louis XI of France (1461-1483) and returned to England without having struck a blow. No further attempt was ever made by an English sovereign to claim by force of arms the Crown of France, though the empty title of King of France remained part of the English Royal Style until 1800¹.

The Loss and Re-Conquest of the Channel Islands, 1205-1217

22. Before the French conquest of continental Normandy in 1204 from King John (see paragraph 16, above), the Channel Islands were an integral part of the Duchy of Normandy and were included within its administration. They had been annexed by William Longsword, Duke of Normandy (931-942), in 933—the year in which he received also the districts of Avranches and Coutances from the French King, Raoul (923-936), following a successful campaign against his western neighbours, the Bretons. Many important fiefs² in the Islands were appurtenances of larger ones, chiefly in the Cotentin area (*i.e.*, the modern Department of *Manche*), but the Dukes themselves possessed considerable personal estates in the Islands.

23. The Islands, during the years 1204-1213, changed hands between the English and the French more than once. Much of the detailed history of the events during these years is somewhat obscure. According to statements made at the Assize of 1309³ (see paragraphs 46 and 128, below), held in Jersey, King Philip II (Philip Augustus) of France (1180-1223) twice ejected the English King John (1199-1216) from the Islands, and the latter twice by armed force reconquered them. Philip appears to have endeavoured at first to secure them by persuasive means. His cause is said to have been supported there by a "French party", composed of lay and ecclesiastical persons with continental connexions. The majority of the Islanders, however, probably apprehensive of French intentions towards their own interests, opposed him⁴. About 1205, Philip had secured the Islands by force of arms; but, a year later, the French were driven out by the English under Eustace the Monk⁵, and John was able to resume their administration through

¹ The Royal Arms of France, too, continued to be quartered until that year.

² Fief: an estate held by a baron directly of the King in return for certain services, chiefly military.

³ Assize: proceedings before the King's justices in his Courts.

⁴ P. Aubrey du Boullay, "L'Archipel Anglo-Normand: La Question des Ecréhous", in *Questions Diplomatiques et Coloniales* (citing Pégot-Ogier, *Histoire des Iles de la Manche*), xxii. 37.

⁵ Eustace was a noted privateer, sailing sometimes under the English, sometimes under the French flag. Captured by the English in 1217 at the sea-battle of Sandwich, he was unceremoniously beheaded as a traitor.

his Warden¹. Eustace himself later deserted to the French, and in 1212 endeavoured to retake the Islands for his new masters. He appears to have been successful in holding Sark until 1214², when it was recaptured by Philip d'Aubigny, Warden of Jersey, to whose custody Sark was committed on the 8th December, 1214³. Jersey and Guernsey themselves did not remain long in French hands, if indeed they were ever completely occupied.

24. Some of the smaller Islands may have been held by Eustace and his followers for, according to a clause in the Treaty of Lambeth of the 12th September, 1217 (see paragraph 17, above), Louis (eldest son of King Philip Augustus, afterwards Louis VIII) agreed to send his letters patent to the "brethren" of Eustace (himself captured at the naval Battle of Sandwich in 1217, and beheaded by the English), ordering them to give the Islands back to King Henry III of England, who had succeeded John in the previous year⁴. By the end of 1217, it can be reasonably assumed that all the chief Islands were once more in the possession of the English.

25. But the mainland remained firmly in French hands. Yet, until he had finally renounced his claims to continental Normandy under the Treaty of Paris in 1259 (see paragraph 18, above), Henry III did not give up hope of regaining the Duchy as well as the Islands. Thus, in June, 1247, Drew de Barentin, Warden of the Islands from 1240 to 1252, had a grant of 10 pounds' worth of land in Rozel in Jersey "to hold until the land of England and Normandy be one or the king restore the said land to the right heirs [of the previous grantee] of his free will or by a peace...."⁵

English Policy towards the Islands in the 13th and 14th Centuries

26. Owing to the separation of the Islands from continental Normandy, some alternative administration had to be framed by the English Crown to replace that of the Dukes of former years. Upon this question the policy of the English authorities was often inspired by a care to satisfy the Islanders that their ancient customs

¹ The Warden was an official, appointed by the King, and directly responsible to him. His primary duty was to provide for the defence of the Islands, but he also collected and administered the King's revenues and performed, usually through subordinate officials, various other duties.

² On the 16th March, 1215, the King ordered the release from Porchester Castle of prisoners captured in Sark: *Rotuli Litterarum Patentium* (Records Commission, 1835), p. 130.

³ *Ibid.*, p. 125.

⁴ "Item, de insulis sic fiet; dominus Lodovicus mittet litteras suas patentes fratribus Eustachii Monachi, precipiens quod illas reddant domino Henrico Regi Angliæ [...]" ("Also, let the islands be dealt with thus; the lord Louis shall send his letters patent to the brethren of Eustace the Monk, notably that they [the islands] may be returned to the lord Henry King of England [...]" (Rymer, *loc. cit.*)

⁵ *Cal. Charter Rolls*, 1226-57, p. 324.

and rights would be observed¹. It would appear that King John granted them a charter of their liberties, the precise date of which is unknown. A further indication of the general policy of English rulers is given in a writ of Henry III to Philip d'Aubigny, Warden of the Islands, in 1218. "It is not our intention to institute" (runs this document) "new assizes in the Islands at present, but it is our will that the assizes which were observed there in the time of King Henry [*i.e.*, the Second] our grandfather, King Richard our uncle, and the Lord King John our father, should be observed there now"². This is reinforced by a later exhortation to Philip d'Aubigny, the younger, to "rule the Islanders by right and due customs, as they have been accustomed to be ruled in the time of our ancestors, Kings of England"³. In a word, the object of the English authorities was to preserve, as far as possible, the order of things existing before the loss of continental Normandy.

27. In 1279 Jersey and Guernsey acquired from King Edward I of England (1272-1307), as a matter of administrative convenience, an official seal *ad contractus*. That same year Otes de Grandisson, Warden of the Islands, was commissioned to inquire into the King's rights⁴. These were evidently challenged, for there were complaints from time to time against the administration in 1280, 1292 and 1297⁵, and frequently during the succeeding century. Towards the end of the 13th century Itinerant Justices or Justices in Eyre⁶, chiefly from England (though some were Islanders), who had included the Islands within their circuit as early as the 12th century, again made their appearance. At first they dealt with inquiries into the local administration, the complaints of the natives against violations of their customary law, and the state

¹ R. Besnier (a former Professor of Law in Caen University) in his *Compte Rendu, "Le Statut Juridique des îles anglo-normandes du XIII^e au XVIII^e siècle"* (*Revue Historique de Droit Français et Etranger* vol. 13, 1934), summarizes the situation in 1217 thus: "*Détachées de la Normandie en fait en 1204, en droit par le traité de 1217 [i.e., the Treaty of Lambeth], les îles anglo-normandes de Jersey et Guernesey restent rattachées au roi d'Angleterre par l'allégeance féodale. Elles luttent pour faire reconnaître leurs privilèges traditionnels. Elles obtiennent d'abord d'être considérées comme des épaves du duché disparu, liées au roi d'Angleterre en tant que du duc de Normandie et non en tant que souverain anglais [. . .]*". ("Detached from Normandy in fact in 1204, and in law by the treaty of 1217 [*i.e.*, the Treaty of Lambeth], the Anglo-Norman [*i.e.*, Channel] Islands of Jersey and Guernsey remained attached to the King of England by feudal allegiance. They strove for the recognition of their traditional privileges. They at first got themselves regarded as fragments of the vanished duchy, bound to the King of England rather as Duke of Normandy than as English sovereign [. . .]").

² J. H. Le Patourel, *The Medieval Administration of the Channel Islands 1199-1399* (1937), p. 36.

³ *Ibid.*, *loc. cit.*

⁴ *Ibid.*, p. 53.

⁵ *Ibid.*, pp. 53-4.

⁶ Itinerant Justices or Justices in Eyre were the King's Justices who travelled on circuit to hear cases, as they still do to-day. The meaning of Eyre is identical with that of Itinerant.

of the King's rights. Finally these commissions were combined in 1299 to form a general eyre¹; and it was on this occasion that pleas *de quo warranto* (see paragraphs 46 and 128, below) appear for the first time. Thereafter eyres and assizes were held at regular intervals, until the eyre itself—whether in England or in the Islands—ceased to be held by the middle of the 14th century, though commissions for specific purposes continued until its close².

28. In 1303, the new customs duty ordered to be levied in England on aliens was made to apply to the Islanders, who immediately objected. During the succeeding years, as the result of frequent complaints, they obtained a number of temporary exemptions from customs duties, which became permanent through a charter given to them by King Richard II of England (1377-1399) in 1394. An early example of these temporary exemptions occurs in 1309, when King Edward II of England (1307-1327), on receiving a complaint that his collectors of customs at Southampton, Weymouth, Lyme Regis and Dartmouth were levying upon the Islanders "the same tolls and customs as upon alien merchants, to wit of Almain, France, Spain, Portugal, Navarre, Lombardy, Tuscany (*Tuscie*), Provence, Catalan (*Catholoñ*), the duchy [of Aquitaine], Toulouse, Cahors (*Caturceñ*), Flanders, Brabant, and all other foreign lands", gave instructions that the Islanders themselves should not be distrained for payment of these tolls and customs, because "the king regards the inhabitants of these islands as of his realm"³. The problem which presented itself was that the Islanders were neither aliens nor denizens: at best, they could be regarded as "reputed denizens" of England. They themselves were, not unnaturally, desirous of being considered as English, when it was to their advantage, but were resolved to retain their own privileges if it suited them.

The Defence of the Channel Islands in the 14th and 15th Centuries

29. The adequate defence of the Islands naturally became a matter of great concern to the English during the Middle Ages. By the 13th century they "were already regarded as a convenient base for military expeditions to France, and were so used in 1213, 1232, and 1242"⁴. This function assumed an even greater importance on the outbreak of the Hundred Years' War in November, 1337. To assist in maintaining control of the western approaches to the English Channel and to provide a haven for shipping, it was essential that they be firmly held by the English. The organi-

¹ General eyre: an assize (or judicial proceedings) which embraced a wide variety of litigation and inquiries into administrative acts.

² *cf.* Le Patourel, *op. cit.*, pp. 64-6.

³ *Cal. Close Rolls, 1307-1313*, p. 112. There were similar orders in 1311, 1335, 1337, 1340, 1357, 1370 and 1390: *cf.* Le Patourel, *op. cit.*, p. 119, n. 2).

⁴ Le Patourel, *op. cit.*, p. 31, citing D. T. Williams, "The Importance of the Channel Islands," &c., in *Société Jersiaise, Bulletin*, xi., 18, 28, 30-1.

zation of their defence during the Middle Ages was based chiefly on the two royal castles of Castle Cornet in Guernsey and Mont Orgueil (Gorey) Castle in Jersey, whose garrisons were professional soldiers from England, though in times of emergency the inhabitants themselves supplied military aid.

30. The strategic importance of the Islands was equally recognized by the French, who made various attempts to seize them during the Hundred Years' War (1337-1453). The Islands had already been raided by the Scots and the French not long before the outbreak of the War, in 1336 and 1337. In December, 1336, a proclamation of King Edward III of England (1327-1377) related that David Bruce, the exiled King of Scotland, had collected a fleet in French ports and attacked Guernsey and Jersey. In May, 1337, Edward III ordered a levy of Jerseymen, and from that year all able-bodied men were expected to serve under arms in time of need¹. Then, in March, 1338, the year after the war had begun, Jersey was ravaged by Nicholas Béhuchet, the Admiral of France, who, having failed to capture Mont Orgueil Castle, was, however, unable to hold the Island. Béhuchet's attack on Guernsey, Alderney and Sark, in September, 1338, was much more successful: all three Islands fell into his hands, and were not won back until October, 1340, though the French managed to hold Castle Cornet in Guernsey until August, 1345. Meanwhile, Béhuchet's successes against Guernsey, Alderney and Sark gave encouragement to the French, whose King, Philip VI (1328-1350), granted the whole of the Channel Islands to his son John, the Dauphin, then styled Duke of Normandy. John, in turn, granted them to the Marshal of France, Robert Bertrand, who, to make good his possession, invaded Jersey in 1339, but was unsuccessful in establishing his hold on it for any long duration. In 1356-7 Castle Cornet in Guernsey was again taken by the French and held for some months². The Iles Chausey, which lie close to the French mainland and which are now a French possession, were, presumably, returned to the English under the Treaty of Lambeth in 1217; but, according to the 17th century Jersey historian, Jean Poingdestre, they were lost to the French in 1343³. In later centuries they changed hands repeatedly, but by the end of the 18th century had become an acknowledged French possession.

31. The great naval victory of the English over the French at Sluys in 1340 gave command of the seas to the English for more than thirty years, and security to the Islands. But, with the decisive defeat of the English by the French off La Rochelle in 1372, the position was completely reversed: not only were the

¹ G. R. Balleine, *A History of the Island of Jersey, &c.*, p. 59.

² See pamphlet by Le Patourel, "Earlier Invasions of the Channel Islands" (1945).

³ *Casarea or A Discourse of the Island of Jersey (Société Jerseyaise, 10th Pubn., 1889)*, p. 98.

Islands in danger from France, but, in addition, the Channel soon became infested with great numbers of pirates of all nationalities, including even English. This situation was to endure until the invasion of continental Normandy by King Henry V of England (1413-1422) in 1415—a period of forty-three years. During the next five years after their victory off La Rochelle, the French conducted a series of raids on the Islands. In the spring of 1372, shortly before the Battle of La Rochelle, Guernsey and Jersey were invaded by Owen of Wales, who had taken service with the French¹. He wasted the former Island, but failed to take Castle Cornet, and so withdrew. In 1373, the celebrated Bertrand du Guesclin invaded Jersey. He laid siege to Mont Orgueil Castle, but had only succeeded in capturing the outer works of the castle when it was relieved by an English naval force².

32. In 1380 Jean de Vienne, the French Admiral, made a descent upon this same Island and captured its castles, but he was driven out by 1382. The Islands were raided again in 1403 by the Bretons: three years later, Jersey itself was attacked by Pero Niño, a Castilian pirate, in alliance with Hector de Pontbriand, a Breton captain³.

33. After a long period of immunity, Jersey was occupied from 1461 to 1468 (*i.e.*, during the struggle between the rival English royal Houses of York and Lancaster, known as the Wars of the Roses) first by the Seneschal of Normandy, Pierre de Brézé, Count of Maulevrier, who was a cousin of Queen Margaret, wife of the deposed Lancastrian King of England, Henry VI (1422-1461). The circumstances surrounding this occupation are obscure, but it seems probable that the Islands were found to be useful to the exiled House of Lancaster in bargaining for French aid⁴. De Brézé made no attempt to interfere either with the system of government in Jersey or with the Islanders' way of life; and his Ordinances, promulgated in 1462, "are regarded as a landmark in the evolution of Jersey Government"⁵. On his departure from the Island in 1463, his follower, Jean Carbonnel, held it for Charles, Duke of Normandy, then in revolt against his brother, King Louis XI of France (1461-1483). Finally the Island was retaken in 1468 for the Yorkist King of England, Edward IV (1461-1483), by the English fleet under Richard Harliston, with the help of Philip de Carteret. In 1549 a French expedition seized Sark (then uninhabited) and held it for nine years; attempts to land in Jersey and Guernsey were, however, repulsed.

¹ Le Patourel, *The Medieval Administration of the Channel Islands*, p. 62.

² *Ibid.*, p. 64.

³ Le Patourel, "Earlier Invasions of the Channel Islands" (1945).

⁴ *Ibid.* The story of Sir Philip de Carteret's holding the western portion of Jersey is legendary: the French occupation was complete.

⁵ *Ibid.*

Steps taken to Safeguard the Channel Islands from the Ravages of War

34. On the 27th February, 1481, following a petition addressed jointly by King Edward IV of England "and the inhabitants ecclesiastical and secular of Guernsey, Jersey and Alderney and the islands adjacent thereto" to Pope Sixtus IV, complaining that "divers pirates, etc." frequently raided the Islands, their churches, monasteries and people, "carrying off booty and prisoners, wounding and slaying", the Pope issued a monition ordering "the said pirates, etc., and their abettors to abstain from such attacks, etc., under pain of *eo ipso* sentence of excommunication, anathema, eternal malediction, confiscation, etc.", and to make restitution¹. The intention was evidently to protect the local commercial prosperity of the Islands. On the 1st March, 1483, at the request of Edward IV, this temporary Papal injunction was re-issued by the same Pope as a Bull², which provided that the Islanders and their surrounding seas, to the limit of human vision, should be regarded as neutral in time of war, with immunity from capture within those limits of enemy ships and goods³. The Bull was hailed with enthusiasm, not only in the Islands, but also in France, where it was officially proclaimed, and the new privilege of neutrality was enforced in both the Insular and the French courts. There were, of course, transgressions of the privilege, as in 1549, when Sark was occupied by the French and attempts were made on Jersey and Guernsey. Again, in 1626, when war broke out between England and France, the French Government issued proclamations prohibiting any trade with the Islands⁴.

35. Since the privilege of neutrality rested upon a Papal Bull, a delicate situation was created by the rejection of Papal Supremacy⁵. In practice the neutrality of the Islands was observed as before; but it was obviously necessary to replace the Bull as the authority for the privilege. Queen Elizabeth of England (1558-1603), in her Charters to Guernsey in 1560 and to Jersey in 1562, expressly allowed trading with all, even with the enemy, in time of war⁶; but no formal decision was taken until 1587, when an incident which occurred in the previous year led Queen Elizabeth and her Council to conclude that some general ruling was necessary. In February, 1586, Sir Thomas Leighton, the Governor of Guernsey,

¹ *Cal. Papal Letters*, xiii, pt. i, p. 258 (unpubd. sheets); cf. *ibid.*, xi, 603. See Annex A 4.

² A text, much corrupted, of this Bull is enrolled on the Confirmation Roll, 1 Hen. VII, pt. 1, No. 9.

³ A. J. Eagleston, *The Channel Islands under Tudor Government, 1485-1642* (1949), p. 43.

⁴ *Ibid.*, p. 47.

⁵ In the first instance by King Henry VIII of England (1509-1547) in 1530, as the result of the Pope's refusal to agree to the King's divorce from Katherine of Aragon.

⁶ Eagleston, *op. cit.*, p. 45.

ordered the seizure of certain French ships, alleging that their cargoes included Spanish goods; whereupon the Frenchmen, relying upon the Island's privilege of neutrality, appealed to the Royal Court of Guernsey, which ordered their release. Leighton, who had been instructed to detain Spanish goods, however, refused to comply without the authority of the Queen's Privy Council. The Royal Court of Guernsey in turn appealed to the Council, which upheld its decision on the ground that the goods, although Spanish, belonged to the French¹. This led the Privy Council to review the whole question of neutrality. On the 11th June, 1587, it informed Leighton that it was "satisfied that the privilege had in fact existed", and he was "instructed that no such arrest [of ships and goods] should be made in future to the prejudice of the island privileges and liberties."²

36. The privilege of neutrality lasted for more than 200 years, until it was abolished by an Order in Council of King William III of England (1689-1702), dated the 8th August, 1689³. The inhabitants of the Islands were flagrantly abusing the privilege of neutrality by wholesale smuggling. Moreover, William, at the very outset of his reign, had resolved upon war with France; and, since a profitable source of income to the Islanders appears to have been the supplying of gunpowder and ammunition to the French mainland, he no doubt wished to prevent trading with the potential enemy⁴.

Ecclesiastical Events in the Islands

37. During the Middle Ages the Islands were included in the Diocese of Coutances on the Norman mainland. Since they were therefore ecclesiastically within the jurisdiction of a French Bishop, the natural friction between the Bishop's and the King's Courts was inevitably increased after their separation from Normandy. There were two main causes for this friction. The King often found cause to allege that the Bishop's Court was hearing pleas which the King considered should be heard before his own. For instance, in 1309, the Warden of the Islands was instructed to proclaim the King's order "prohibiting any one from citing, under pain of forfeiture, any of the officers of the said island [*sic*], or any other person of the same, to appear before the bishop of Coutances and other ecclesiastical judges outside the said islands to answer concerning inheritances and fees in the said islands, the cognisance whereof pertains to the king, which he learns that certain men have presumed to do"⁵. Again, the King claimed that the Islanders

¹ *Ibid.*, *op. cit.*, pp. 45-6.

² *Ibid.*, p. 46.

³ Privy Council Register, 2/73, f. 209. See Annex A 5.

⁴ Evidently the trade was carried on at the Ecréhous, which formed a convenient *rendez-vous* for Jersey men and Frenchmen: *cf.* Balleine, *op. cit.*, pp. 236-7.

⁵ *Cal. Close Rolls*, 1307-13, p. 153.

enjoyed a Papal privilege to the effect that, even in ecclesiastical actions, they could not be cited outside the Islands. The difficulty arising out of this privilege was overcome by appointing the two Rural Deans in Jersey as special commissaries of the Bishop of Coutances, with authority to deal with actions nominally within the competence of his Court. These Deanery Courts thus acquired a certain measure of importance. Despite these special provisions, the anomaly of divided allegiance between an English King and a French Bishop became increasingly intolerable under the impact of the Hundred Years' War between England and France, and of the Great Schism¹.

38. There was yet another ecclesiastical link between the Islands and Normandy. The monasteries and cathedral chapters of the mainland held extensive possessions throughout the group. Almost all the advowsons and tithes of the parish churches, together with a number of chapels, were held by Norman abbeyes². The Abbey of Mont-Saint-Michel had estates in the Channel Islands, second only to the King's; but considerable fiefs were possessed also by the Abbeyes of Cherbourg, Blanchelande, La Trinité (Caen), St. Sauveur and Montebourg, and by the Bishop and Chapter of Coutances. Most of the smaller Islands belonged also to the Church. Herm was held by Cherbourg; Jethou, Lihou and the Iles Chausey by Mont-Saint-Michel; the Ecréhous Islets by the Abbey of Val-Richer. These monastic possessions received the same treatment as those of the so-called "alien priories" in England, *i.e.*, they were sequestered by the King on the outbreak of every war between England and France from the 13th to the 15th centuries. At the beginning of the reign of King Henry V of England, however, Parliament complained that, though Richard II had ordered that no Frenchmen should enjoy any benefice within the realm, yet many did so. This was especially true of Jersey³. Thus, in 1414, the property of all foreign ecclesiastics was declared forfeit to the Crown, and many of the priories were suppressed and fell into ruins.

39. In order to end the anomaly created by a French Bishop exercising jurisdiction over English territory, it was decided to

¹ Broadly speaking, the Great Schism in the Roman Church was the result of the simultaneous election, after the death of Pope Gregory XI in 1378, of two Popes. Opinion throughout Italy had become greatly exasperated by the more or less continuous residence at Avignon, from 1305, of no less than seven successive Popes; and the Italians were determined that the Pope should return to Rome which, by 1378, had become the centre of fierce political strife. Accordingly, in that year, the Italian Cardinals proceeded to elect one of their own countrymen (Urban VI); the foreign Cardinals chose a non-Italian (Clement VII). This dual Papacy inevitably led to the political division of Europe: thus, England was Urbanist, France Clementist. The Schism was finally healed by the Council of Constance in 1417.

² A few of the advowsons, however, were held by the Abbey of Marmoutier, near Tours: *cf.* Le Patourel, *op. cit.*, p. 34.

³ Balleine, *op. cit.*, p. 77.

transfer the Islands to an English diocese¹. Accordingly, on the 26th October, 1496, by a Bull of Pope Alexander VI, they were included within the Diocese of Salisbury²; but, on the 20th January, 1500, another Bull of the same Pope transferred them to the Diocese of Winchester³, to which they have ever since been attached. The Bull of 1500 was, however, for many years tacitly ignored; and the transfer did not in fact take place until as late as 1569, when Queen Elizabeth (1558-1603), on the 11th March of that year, formally severed the last link with the French Diocese⁴. The reason for the long delay in effecting the transfer seems largely to have been the reluctance on the part of the Bishop of Winchester and his officials to undertake a difficult journey for comparatively poor additions to the Diocese, while the Bishop of Coutances was unwilling to forgo his revenues in the Islands⁵. The Bishop of Coutances had, in fact, been confirmed in his ecclesiastical jurisdiction by King Edward VI of England (1547-1553), in April, 1550⁶. But after the quarrel between King Henry VIII of England (1509-1547) and the Papacy, and the adoption of the Reformed Religion in England, relations between the Islanders and their French Bishop steadily grew worse; and the change of diocese became inevitable after 1565, when the Act of Uniformity⁷ was made applicable to the Islands.

The Islands during the 17th and 18th Centuries

40. The Civil War in England in the middle of the 17th century brought a further period of unrest and division within both the Islands of Jersey and Guernsey. During this struggle between King and Parliament, Guernsey supported the latter (though there was an important Royalist minority there), whilst Jersey was at first divided between the two causes, but later became completely Royalist under Sir George Carteret until 1651, when it was finally captured by Admiral Blake and occupied by the Parliamentary Army. On the 9th June, 1646, the Jersey authorities issued orders forbidding local mariners from carrying any persons out of the Island unless such persons had first obtained a passport, and forbidding any persons, without permission from their parochial

¹ During the Schism, the Islands were temporarily transferred to the Diocese of Nantes: cf. P. de Gibon, *Les Iles Chausey et leur Histoire* (2nd Ed., 1935), p. 96.

² Eagleston, *op. cit.*, p. 49.

³ Public Record Office Special Collections, No. 7 (Papal Bulls, 1131-1533). Box 4, No. 2. See Annex A 6.

⁴ Eagleston, *op. cit.*, p. 51.

⁵ *Ibid.*, p. 49.

⁶ *Ibid.*, p. 50. "As to the Bishop of Coutances' jurisdiction," (wrote Sir Hugh Paulet, Governor of Jersey, to Sir William Cecil, on the 12th December, 1559) "order was taken in Edward VI.'s time for us to consider him as our diocesan in all things not contrary to the laws of the realm": *Cal. State Papers, Domestic, 1601-1603 and Addenda, 1547-1565*, p. 494.

⁷ This Act enforced, under severe penalties, the Liturgy of the Church of England upon the whole nation.

authority, to fish either at the Iles Chausey or the Ecréhous Islets¹. During this disturbed period, neither the French nor the Spaniards made any attempt to attack the Islands.

41. Following the Restoration of the English Monarchy under King Charles II in 1660, despite the fact that there were long periods of war between England and France, the Islands, though often in a state of alarm, remained free from invasion until the latter years of the 18th century. During this period, particularly in Jersey, they were occupied with problems of a domestic character. The insularity of the inhabitants is testified by a complaint against foreigners setting up shops for the sale of merchandise in Jersey. As a result of this a Royal Order of 1660 directed that no stranger other than an English subject should be allowed to do so.

42. In 1776, as a reply to French assistance for the American Colonies which were then in revolt against Great Britain, the latter country encouraged Jersey privateers to harry French shipping and coastal areas of the mainland. As a result, the French once more took action against the Islands. In 1779 and 1781 they made two serious, but unsuccessful, attacks on Jersey. The latter, known as "*La Surprise de Jersey*", resulted in French troops, under the Baron de Rullecourt, completely taking the Island by surprise, but being decisively defeated in their endeavour to capture Elizabeth Castle, near St. Helier, by the British regular troops under Major Pierson and the men of the Jersey Militia². After this invasion the Islands gradually settled down to normal conditions.

43. On the outbreak of the French Revolutionary War in 1792 the Islands were once more in a state of alarm. In 1794 the French Committee of Public Safety ordered their capture and an army was gathered at St. Malo, without, however, any actual invasion being undertaken. Serious preparations for the same purpose were again made by Napoleon in 1798. After 1815 Anglo-French relations became more friendly. The differences which did occur between the Islanders and their French neighbours were mainly concerned with fishing. These are dealt with in a following Section.

Sub-Section B.—The Ecréhous and Minquiers Islets

THE ECREHOUS ISLETS

44. The first mention of the Ecréhous Islets occurs in 1203, when Piers des Préaux, a Norman³, granted "the island of Ecréhous

¹ *Journal de Jean Chevalier (Société Jersiaise, 1906)*, pp. 332-3.

² Balleine, *op. cit.*, pp. 264-5.

³ He was the best known of a large family of brothers, the sons of Osbert, lord of Préaux (now in the Department of *Seine-Inférieure*). As a friend of King John, he stood second only, in 1204, in point of importance, to the Seneschal of Normandy. He had also held the office of Bailiff of the *Cotentin*. He died between 1207 and 1216 (*cf. F. M. Powicke, The Loss of Normandy (1189-1204)* (Manchester, 1913), App. II, p. 510).

wholly" ("*insulam de Escrehou integre*") to the Abbey of Val-Richer in Normandy, on condition that the Abbey build a chapel thereon, where Masses "for the soul of John, the illustrious King of England", "*qui insulas mihi dedit*" ("who gave me the Islands (*i.e.*, the Channel Islands)") should be celebrated¹. Piers des Préaux himself had previously, on the 14th January, 1200, been granted by King John the Islands of Jersey, Guernsey and Alderney²; and it is clear that the Ecréhous were included in this grant as a part of Jersey. There is no doubt, however, that Piers' grant to the Abbey refers primarily to the present Maître Ile (the largest of the three inhabited Islets in the Ecréhous group) though, owing to their proximity, the intention may well have been to include the rest of the group; while it is equally certain that, in the expression "*qui insulas mihi dedit*" ("who gave the Islands to me"), "*insulas*" refers to the King's grant to Piers of the above Islands of Guernsey, Jersey and Alderney. On the 21st June, 1200, King John confirmed his charter to Piers³, while Piers' charter to the Abbey was confirmed together with the Abbey's other possessions in Holy Trinity Parish, Jersey, by Vivian, Bishop of Coutances, in 1205⁴.

45. On the 24th June, 1204, the French conquest of continental Normandy was completed with Piers des Préaux' surrender of Rouen, the Norman capital, to King Philip Augustus⁵. Piers subsequently acknowledged the suzerainty of the French King over his continental possessions by an *aveu de ses fiefs* (a recognition that he held his estates of the King), which did not, however, include the Channel Islands⁶. His allegiance to Philip was not of long duration: a story had been put about that it had been bought; but he "was a brave and had proved himself a faithful man; it is likely that circumstances were too strong for him"⁷. In or before 1207 he was back in England with King John who, on the 29th June, 1207, restored to him his English lands, but not the Channel Islands, concerning which the King would do his pleasure "with the counsel"

¹ *Gallia Christiana* (1759), xi, col. 94, No. XXXII (*Instrumenta*). See Annex A 7. The same work (xi, col. 446) observes: "*Hæc insula Anglorum nunc est sicut & illa.*" "This Island [*i.e.*, Jersey] now belongs to the English, just as does the other [*i.e.*, the Ecréhous]". The Cistercian Abbey of Val-Richer was situated in St-Ouen-le-Pin, Department of Calvados.

² Charter Roll, 1 John, m. 28. See Annex A 8. The charter includes the grant of the marriage of the daughter of William, Earl of the Isle [of Wight], subject to certain contingencies, besides property in Alton, in the County of Southampton, and in Rouen.

³ Charter Roll, 2 John, m. 29. See Annexes A 9 and A 10. A peculiarity of this confirmation is the fact that it is in two parts. Separate charters, of identical date, were used to confirm (i) the three Islands, the marriage and the property in Alton; (ii) the property in Rouen.

⁴ Hermant, "Histoire du Diocèse de Bayeux," &c. (1726), tome 2, p. 203 (MS. in *Bibliothèque de la Ville de Caen*: *ex inf.* the Librarian).

⁵ *cf.* Powicke, *op. cit.*, pp. 383-387.

⁶ G. Dupont, *Histoire du Cotentin et de ses Iles*, i. 455-6.

⁷ Powicke, *op. cit.*, p. 387.

of the Earl of Chester and Ingram des Préaux, Piers' brother¹. Several years later (19th March, 1216) William des Préaux (presumably the son of Piers) received a grant from King John of the manor of Alton, together with all the lands, late of William de Lanvalay and of Rauf de Rochester, but should the King be unable to ensure that he received them, it was the King's will that William be granted the "islands[sic]" of Jersey, with three hundred pounds' worth of land² in England.

46. The next mention of the Ecréhous occurs in the *quo warranto* proceedings during the general eyre of 1309 (see paragraphs 27, above and 128, below), when the Abbot of Val-Richer was summoned before the English King's Justices sitting in Jersey to say by what warrant he held the advowson and certain endowments of the Priory established on Maître Ile by Piers des Préaux³. There is evidence of visits by Jerseymen about this time to the Islets to collect wreck of the sea (see paragraph 131, below). In 1323, following a complaint that the monks of the Ecréhous had built a wall round their "manse" at Archirondel in St. Martin's Parish, Jersey, "to the nuisance of the King and of the neighbours", Thomas le Taneour, the Prior, appeared before the English King's Justices, sitting in Jersey, and declared that the wall had been built over forty years ago, and neither caused a nuisance nor encroached upon the King's highway or the common land: the Prior's contentions were borne out by a view subsequently made⁴.

47. The records of the Assizes of the English King's Justices held in Jersey shew that in 1325 Piers Bernard of "Pynsol", John Pyk, an Englishman, and others—again at Archirondel—robbed the Prior of his bed, chapel vestments and a dish with a trivet, worth in all 37 shillings⁵. In 1328-9, the Priory is mentioned in the Warden of the Channel Islands' account for that year, when a sum of 20 shillings was paid to the Priory as part of its endowments⁶. This was an annual charge upon the King's revenues in the Island

¹ Patent Roll, 8 John, m. 3. See Annex A 11. The Islands were, in fact, never restored to him.

² *Rotuli Chartarum* (Records Commission, 1837), p. 220.

³ Assize Roll, 2 Edw. II, m. 36. See Annex A 12.

⁴ *Ibid.*, 17 Edw. II, m. 21*d*. See Annex A 13. The manse was probably as old as its wall, and therefore existed at the time of the *quo warranto* proceedings in 1309. Yet the Prior then deposed that he "himself and his fellow [monk] and their servant" were "dwelling in the aforesaid Chapel throughout the whole year" (in order to maintain a beacon for the benefit of mariners). It should be noted that, at the present day, the Ecréhous Islets, for administrative purposes, are attached to St. Martin's Parish in Jersey.

⁵ *Ibid.*, 5 Edw. III, m. 19. See Annex 14. Piers Bernard held the office of Warden of the Islands (for a definition of which, see p. 31, note 1), jointly with Lawrence de Gaillars, from August 1330, to August 1331: *cf.* Le Patourel, *op. cit.*, App., p. 126.

⁶ Exchequer Accounts (Various), Bundle 89, No. 12, m. 2. See Annex 15. The same account contains a number of other payments to various ecclesiastical foundations in the Channel Islands and Normandy, including the Abbey of Holy Trinity, Caen.

of Jersey, and is referred to in the *quo warranto* proceedings in 1309 (see paragraph 128, below). In 1331 Thomas, Prior of the Ecréhous (probably to be identified with Prior Thomas le Taneour mentioned above), was found guilty by the King's Justices in Guernsey of assaulting Joan, widow of Robert Hubert, by kicking her and throwing her to the ground in Ralph Hubert's house in Holy Trinity Parish, Jersey, for which offence the Prior was fined ¹. On the 10th April, 1337, Gabriel, eleventh Abbot of Val-Richer, sent two monks to the Ecréhous Islets "*ad conservandam & regendam capellam beatae Mariae*" ("to maintain and serve the chapel of the Blessed Mary") (*i.e.*, the Priory chapel) ².

48. On the 18th August, 1337, the Prior of "*Acrehowe de Insula de Iereseye*" ("Ecréhous of the Island of Jersey"), together with the Priors of various other religious houses in Jersey and Guernsey and their dependencies, received letters of protection from Edward III, during pleasure ³ (see paragraph 131, below). This, no doubt, was in anticipation of the Hundred Years' War, which broke out in November, 1337. In addition to the clear description of the Ecréhous as a part of Jersey, it is significant that, the day before the Priors received their protections, a commission issued from the English Exchequer ordering the seizure of the property of "all Frenchmen and others of the lordship and power of the king of France, as well secular as religious, within the king's realm and power", and the detention of all religious in their houses, as it was known that the King of France had gathered together a "great fleet in divers parts of his lordship" which was to be sent against the realm and the Channel Islands ⁴.

49. Apart from a 15th century list of the endowments of the Priory ⁵, the next reference (apparently) to the Ecréhous belongs to the year 1528, when an *extente* (*i.e.*, rental) of the Island of Jersey shews that a wheat-rent was paid in support of the Priory, and levied on the Jersey Parishes of St. Martin and St. Saviour ⁶. There

¹ Assize Roll, 5 Edw. III, m. 18d. See Annex A 16. It may be noted that the Hubert family, at any rate from the 15th century, until as late as 1749, paid a wheat-rent to the Ecréhous from St. Martin's Parish, which adjoins Holy Trinity: *Cartulaire de Jersey (Société Jersiaise)*, p. 421, No. 329: see Annex 18; *Extente de l'Île de Jersey, 1749.—George[sic] II (Société Jersiaise, 8th Pubn.)*, pp. 18, 49: see Annex 19.

² *Gallia Christiana*, xi, col. 447. The date is given as "Thursday before Palm Sunday", 1337.

³ Patent Roll, 11 Edw. III, pt. 2, m. 9. See Annex A 17. The others were the Priors of St. Clement, Bonne Nuit, L'Islet, Lecq, and St. Peter, in Jersey; and those of St. Michel du Valle, Herm, Lihou, and Blanchelande ("*de Blanca Landa*"), in Guernsey.

⁴ *Cal. Fine Rolls, 1337-1347*, p. 37.

⁵ "Les rentes de Notre Dame de Escrehou en Gierresy": *Cartulaire de Jersey (Société Jersiaise)*, pp. 420-421, No. 329. See Annex A 18. This rental, which is described as a fragment, is (or was) among the records of the Department of Calvados, at Caen.

⁶ *Extente de l'Île de Jersey, 1528.—Henri VIII (Société Jersiaise, 6th Pubn.)*, p. 20. See Annex A 19.

are later references to these wheat-rents in *extentes* of 1607, 1668 and 1749¹. Writing *circa* 1682, Jean Poingdestre, a distinguished Jersey constitutional lawyer and sometime Lieutenant-Bailiff of the Island, says that "The small Islot of Ekerho [Ecréhous] had anciently a small Priory belonging to Jersey, & endowed from thence; the Ruines whereof remaine to this day; which serue in rainy weather for a shelter to such as goe theither to fish or fetch Vraic [sea-weed]; the place affoording nothing besides, & being of noe vse at all"² (see paragraph 146, below). In 1692 an Act of the States of Jersey³, because of a state of war between England and France, restricted travel to the Ecréhous. Only such persons as had legitimate business, such as gathering sea-weed, were allowed to go there. The object was to prevent trading with the enemy. In 1692 Philippe Le Geyt, another Jersey historian, mentions fish-tithes payable on the Island on fish caught off its coasts and off certain Islets, among which he specifically includes the Ecréhous⁴.

50. From the 19th century onwards references to the Ecréhous become more common. They are considered in Section A of Part II of this Memorial.

THE MINQUIERS ISLETS

51. References to the Minquiers Islets are far fewer than those to the Ecréhous Islets. Apparently, the earliest mention of the Minquiers belongs to the reign of King James I of England (1603-1625). On 1615, 1616 and 1617, there are entries on the rolls of the Court of the Fief and Seignory of Noirmont in Jersey, which shew that the Crown claimed the right to wreck of the sea at the Minquiers Islets⁵ which the Crown would not have done, if the Minquiers had not been regarded as British territory. Towards the end of the same century this right became the subject of a law-suit. On the 6th August, 1692, the King's Attorney-General and the King's Receiver of Revenues in Jersey successfully claimed the right to wreck at the Minquiers in defiance of the counter-claim of

¹ *Extente de l'île de Jersey, 1607.—Jacques I (Société Jersiaise, 5th Pubn.), pp. 6-7; Extente (&c.), 1668.—Charles II (S.J., 7th Pubn.), pp. 6, 35, 60; Extente (&c.) 1749.—George[sic] II (S.J., 8th Pubn.), pp. 18, 49. See Annex A 19. In 1668 the rent was paid also by the Parishes of St. Clement and St. Helier, and, in 1749, also by Grouville Parish. Despite the long intervals between these *extentes*, it is reasonable to assume regular payment of the rents in the *interim*.*

² *Cæsarea or A Discourse of the Island of Jersey (Société Jersiaise, 10th Pubn.), p. 99.*

³ *Actes des Etats de l'île de Jersey 1689-1700 (Société Jersiaise, 17th Pubn.), p. 36.*

⁴ *Les Manuscrits de Philippe Le Geyt, Ecuyer, Lieutenant-Bailli de l'île de Jersey, sur la Constitution, les Lois, et les Usages de cette Ile (1846-1847), i. 86; iii. 615. See Annex A 69.*

⁵ *Rôles de la Cour du Fief et Seigneurie de Noirmont, ff. 67-9, 73 (penes Mrs. C. M. de Gruchy, widow of G. F. B. de Gruchy, late Seigneur de Noirmont). See Annex A 20. For the King's right to wreck of the sea, cf. the early 14th century Statute of *Prerogativa Regis*, sect. xiii (*Statutes of the Realm*, i. 226).*

Deborah, widow of Philippe Dumaresq, Seigneur of Samarès, who was acting in behalf of her son, a minor, and judgement was accordingly pronounced by the Royal Court of Jersey¹. Deborah Dumaresq then obtained leave from the King's Privy Council to appeal against the judgement on the 6th November, 1692, when the Council also summoned the respondents to appear to answer her appeal². The order was served on the respondents in Jersey on the 16th August, 1693³.

52. In 1692 Le Geyt, the Jersey historian previously referred to (see paragraph 49, above), also mentions the Minquiers Islets in connexion with the fish-tithes payable in Jersey on fish caught off its coasts⁴.

53. Later references (*i.e.*, after the 17th century) are considered in Section B of Part II of this Memorial.

Conclusion

54. As it has been stated (see paragraph 21, above), no English sovereign after Edward IV (1461-1483) seriously considered recovering the lost possessions of England in France itself. Thus, continental Normandy was, in actual fact, relinquished to the French Crown, despite the absence of any formal instrument which acknowledged its surrender.

55. The Channel Islands themselves, however, continued, except for certain brief periods, in the firm possession of the English. The longest period during which any of them was occupied by a French force was from 1461-1468, during the Wars of the Roses (see paragraph 33, above). Other French attacks upon the Islands were sporadic, and at no time did the invaders obtain, except in the case of Sark in the middle of the 16th century (see paragraphs 33 and 34, above), more than a temporary foothold.

56. It will be seen therefore that during the Middle Ages the Channel Islands remained attached to the English Crown by feudal ties, the English King was represented there by Lords or Wardens of the Islands, and the latter delegated their administrative functions to officials mainly drawn from the Islanders. In later years the Islanders themselves secured an increasing degree of administrative autonomy, but this neither impaired the sovereignty of the English Crown over the Islands, nor prejudiced the allegiance of the Islanders to the Crown.

57. That the Ecréhous were considered in medieval times to be part of the Channel Islands is shewn by the fact that Piers des

¹ Acte de la Cour Royale de l'Île de Jersey, 6th August, 1692. See Annex A 21.

² MS. *penes* the Library of the *Société Jersiaise*, St. Helier. See Annex A 22.

³ *Ibid.* See Annex A 22.

⁴ *Les Manuscrits de Philippe Le Geyt, Ecuyer, &c., loc. cit.* See Annex A 69.

Préaux, who had been granted the Channel Islands by John in 1200, considered that he, in turn, in 1203, could grant these Islets by subinfeudation in virtue of the charter of 1200, which mentioned by name only the three largest Channel Islands (*i.e.*, Jersey, Guernsey, and Alderney ; see paragraph 44, above). After the separation of the whole archipelago from continental Normandy in 1204, the continuation of the Ecréhous as an appendage of Jersey during the Middle Ages is shewn by various judicial and administrative acts, which are dealt with in paragraphs 46 to 49 inclusive, above, in paragraphs 128 to 131 inclusive, below, and in paragraph 200, below. Evidence relating to the Minquiers is of later origin than that concerning the Ecréhous. Its absence before 1615 (the earliest date of any present evidence discovered by the Government of the United Kingdom) is probably due to loss of records. There is evidence to prove the existence as far back as 1550 (and possibly still earlier) of Court Rolls of the Seignory of Noirmont, which claimed seignorial rights over the Minquiers¹. It would seem unlikely that these rights should suddenly have been first exercised in the year 1615 (see paragraph 51, above).

58. The acts manifesting sovereignty, which are set out in Part II of this Memorial, shew that in modern times the close relationship between Jersey and both groups of Islets, the existence of which is supported by the medieval and 17th century evidence, was but the continuation of an already long established state of affairs.

Sub-Section C.—The Present Constitution of Jersey

59. The Channel Islands are included among the British Isles, but do not form part of the United Kingdom. The laws of the Channel Islands are based on the ancient customs of the Duchy of Normandy, of which they formed part until 1205. The sovereignty of the King of England is, to the present day, only admitted in his right as Duke of Normandy. The Channel Islands are subject to the legislative supremacy of the United Kingdom Parliament, which is exercised for them in relation to such subjects as nationality and defence. The legislative assemblies of Jersey and Guernsey, known as the States, have power to pass Acts which require the approval of the King in Council. The Channel Islands possess their own courts from which an appeal lies to the Judicial Committee of the Privy Council in London.

60. After the separation of the Island of Jersey from Normandy and in imitation of the procedure in that country, the Royal Court,

¹ There exists a manuscript inventory (*penes* Mrs. C. M. de Gruchy, widow of G. F. B. de Gruchy, late Seigneur de Noirmont), compiled in the early 18th century, of the surviving rolls from 1550 to 1718. The first series runs from 1550 to 1555, the second from 1556 to 1562, the third from 1565 to 1571, the fourth from 1613 to 1631, the fifth from 1637 to 1645, and the last from 1660 to 1718.

that is to say, the Bailiff (see paragraph 62, below) and the 12 Jurats (see paragraph 66, below), assumed, or were empowered to exercise, a certain degree of legislative power with regard to the local affairs of the Island. Through the years, it became customary for the Royal Court, in matters of importance, to call to its assistance and counsel "the captain, or his lieutenant in his absence, with the 12 ministers [or rectors] and the 12 constables" of the Jersey parishes, and this body came to be called the Three Estates or the Common Council of the Island. Legislative power remained with the Royal Court until 1771, when it was removed from that body and vested in the whole "Assembly of the States", that is to say, the 12 Jurats, the 12 Rectors and the 12 Constables of the parishes.

61. In 1856, 14 Deputies were added to the States and the constitution of that Assembly remained unchanged (save for an increase, in 1907, in the number of Deputies from 14 to 17) until 1948, when a major constitutional reform took place, a new Assembly of the States, consisting of 12 Senators, 12 Constables and 28 Deputies, being created. The Jurats and the Rectors ceased to sit in the States, the former, however, remaining in office as members of the Royal Court.

62. The Bailiff was at first one of the chief subordinate officers of the Warden¹ and was appointed by him. Later he was confirmed in office by the Crown, and began to call himself the King's Bailiff. He became the official who presided over the King's Courts in Jersey or Guernsey. Now the principal civilian in the Island, he is appointed by the Sovereign, and, in addition to his judicial duties, presides over the Assembly of the States.

63. The Lieutenant-Governor², who is also appointed by the Sovereign, and who is the successor of the "captain" previously referred to (see paragraph 60, above), continues, as of old, to enjoy the right to sit, and to speak, in the States. He is the representative of Her Majesty in the Island, and is the official channel of communication between the Government of the United Kingdom and the Insular Authorities.

64. The administrative authority of the States is exercised through Committees of its members elected by, and responsible to, the Assembly. Two of those Committees, that is to say, of Harbours and Airport (formerly Piers and Harbours) and of Finance, are concerned with the Minquiers and the Ecréhous, the former because it is responsible for fisheries, the maintenance of buoys and beacons and navigational matters generally, the latter because it is the Insular Customs authority. Prior to 1922, juris-

¹ See page 31, note 1, for an explanation of this office.

² There existed in earlier years the office of Governor, but it was often a sinecure, and was finally abolished in 1854.

diction in the matter of customs was vested in a body known as the Assembly of the Governor, Bailiff and Jurats. In that year their jurisdiction was transferred to the States.

65. Amongst other Jersey officials is the Attorney-General (Procureur Général de la Reine). He is a legal officer of the Crown, appointed to plead the Crown's cause, to give guidance to the Crown's representatives, to advise the Royal Court on doubtful points of law, and to prosecute offenders. He has a seat in the States, and may speak, but not vote, and acts as the legal adviser to the States. The Greffier of the States is the Clerk and Registrar of the Assembly and Keeper of the Records.

66. The Jurats (Jurés Justiciers) are twelve honorary, elected Judges, who with the Bailiff form the Royal Court. They are more akin to the "doomsmen" or judges of the old Teutonic Tribes than to the feudal officials of the 13th century. And in 1309, when Justices Itinerant demanded by what right Jurats were elected, the Islanders replied that "their forefathers from time immemorial have always been wont to have twelve Jurats from among themselves", who "judge all causes, pleas, contempts, transgressions, and felonies, except such as be too arduous". The office of Constable (Connétable) is an honorary post. The Constable is civic head of his parish, represents it in the States, presides over the Parish Assembly, and is head of the Police. In the early days Constables often held office for life, but since 1621 a new election is held every three years. The Constable is assisted by Centeniers. Originally, like Anglo-Saxon "Hundred-men", they were responsible for the behaviour of about a hundred families. Now they are elected for three years by the electors of the parish to be the Constable's chief assistants in all his duties.

SECTION C.—ACCOUNT OF THE TREATIES AND DIPLOMATIC CORRESPONDENCE RELATING TO THE PRESENT DISPUTE DURING THE 19th AND 20th CENTURIES

Introductory

67. The Government of the United Kingdom will in the present Section of this Memorial give an account of the negotiations between, and of the agreements concluded by, the two Governments relating to fishing rights in the areas between the Channel Islands and the coast of the French mainland, and of the diplomatic correspondence which they exchanged relating to the issue of sovereignty over the Ecréhous and the Minquiers. While the United Kingdom Government consider that the Court may hold that the negotiations between, and the engagements concluded by, the two Governments concerning fishing rights throw no direct light on the issue of sovereignty, they will submit in Part III of this Memorial that

certain conclusions relevant to that issue may be drawn from these negotiations and engagements. The United Kingdom Government will similarly submit in Part III of this Memorial that conclusions relevant to the sovereignty issue may be made from a consideration of the diplomatic exchanges concerning that issue, which took place during the latter half of the 19th century, and the first half of the 20th century.

68. There appears to be no evidence that during the 19th century France formally challenged the sovereignty of the United Kingdom over the Islets and Rocks of the Ecréhous group until 1876 (see paragraph 85, below), or its sovereignty over the Islets and Rocks of the Minquiers group until 1888 (see paragraph 101, below). On various occasions from 1819 to 1839, and again in 1866 and 1867, discussions took place between the French and United Kingdom Governments regarding disputes between French and British fishermen as to their respective rights of fishing in the area between the Channel Islands and the coast of the French mainland. These discussions resulted in a draft Convention of 1824 (see further paragraph 76, below), which was not signed, and in the signature on the 2nd August, 1839, of a Fishery Convention, which was ratified on the 16th August, 1839 (see further paragraphs 79-81, below), and, on the 11th November, 1867, of another Fishery Convention, which, although ratified on the 18th December, 1867, never came into operation (see further paragraph 82, below). The 1839 Convention was subsequently slightly modified in 1928 by an Agreement between His Majesty's Government in the United Kingdom and the Irish Free State and the French Government regarding the limits of French Fisheries in Granville Bay¹.

69. After the end of hostilities in the Second World War, the two Governments concluded an Agreement, which was signed on the 30th January, 1951, and ratified on the 24th September, 1951, regarding fishing rights in the areas of the Ecréhous and Minquiers². Its purpose, as stated in the Preamble, was "to settle certain differences which have arisen between them [*i.e.*, the Governments of France and the United Kingdom] with reference to fishing rights in the areas of the Ecrehos and Minquiers". The broad effect of the settlement, which has been reached about fishing rights, is that French and British nationals will have equal rights of fishery in the whole area between the limit of three miles calculated from low-water mark on the coast of the Island of Jersey and the limit within which the exclusive right of fishing is reserved to French nationals

¹ See *Treaty Series No. 2* (1929). The Agreement re-defined, without substantially altering, the lines drawn on the chart annexed to the 1839 Convention.

² Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic regarding Rights of Fishery in areas of the Ecrehos and Minquiers (*Treaty Series No. 4* (1952)). See Annex A 23.

by the 1839 Convention (see paragraph 80, below) as re-defined by the 1928 Declaration (see paragraph 68, above), except that in four zones, as shewn on the charts annexed to the Agreement, one (or the other) party to it will have the right to grant fishing concessions in them according as to whether France or the United Kingdom is held by the Court to have sovereignty over certain Islets and Rocks of the Minquiers and Ecréhous groups. This Agreement was made without prejudice to the determination of the question of sovereignty over the Ecréhous and Minquiers now submitted to the Court. The parties have agreed, moreover, that this Agreement shall not be relied on by either of them for the purpose of substantiating their claim to sovereignty over either the Ecréhous or the Minquiers.

70. In addition to the negotiations which resulted in the drawing up of the Fishery Conventions referred to in the preceding paragraphs, diplomatic correspondence relating to the Ecréhous and the Minquiers was exchanged between the two Governments on various occasions during the latter half of the 19th century and during this century. This correspondence was concerned in part with the question of fishing rights in the areas of the Ecréhous and the Minquiers. It, however, dealt also with the issue of sovereignty over the two groups of Islets.

71. This Section of the Memorial is divided into four Sub-Sections. Sub-Section A will deal with the negotiations between the two Governments between 1819 and 1837, in which year a Mixed Commission was appointed by them to consider *inter alia* complaints on the part of the French fishermen against the English, especially in regard to dredging for oysters off the French coast. Sub-Section B will deal with the 1839 and 1867 Conventions. In this Sub-Section, reference will also be made to the Submarine Cable Convention between France and England of the 2nd January, 1859. Sub-Section C will deal separately with the diplomatic correspondence which resulted from the assertion of rights in connexion with the Ecréhous by the French Government and Sub-Section D with the similar correspondence relating to the Minquiers.

Sub-Section A.—Negotiations between 1819 and 1837

72. Early in the 19th century disputes between French and British fishermen became frequent in the English Channel. These disputes, in so far as they related to the Channel Islands and the neighbouring coast of France, would appear to have arisen from fishing on the part of British fishermen for oysters in oyster beds off the coast of Normandy, in particular in the Bay of Granville and Cancale Roads, some of which lay within, and some outside, French territorial waters. The French Government addressed several protests to the United Kingdom Government in 1819 and subsequent

years, and, in 1824, negotiations took place for the conclusion of a Fishery Convention.

73. The diplomatic correspondence between the two Governments during this period relates to questions concerning fisheries, and is not directly concerned with the issue relating to sovereignty which the Court is being asked to consider. The United Kingdom Government will, however, refer to two documents belonging to the period in question.

74. On the 12th June, 1820, the French Ambassador, Count de Caraman, addressed a Note¹ to the British Foreign Secretary, Lord Castlereagh, in which he referred to previous complaints (regarding violations of French territory committed by British fishermen) made by the French Government to the United Kingdom Government, and attached copies of several letters, together with two charts², from the French Minister of Marine to the French Minister of Foreign Affairs. These letters give details of the violations, and the first of them, dated the 14th September, 1819³, contains proposals for delimiting the areas within which the fishermen of each country would be entitled to the exclusive right of fishery.

75. The relevance of the proposals referred to in the preceding paragraph is to be found in the fact that they recognize the existence "de ce qu'on appelle mer territoriale" (the two latter words being underlined in the text), derived from the sovereignty of the littoral state. Moreover, the Minquiers are separately named as belonging to the United Kingdom in the following terms :

"V.E. trouvera ci-joint des copies de ces tracés, la couleur bleue indique l'étendue de la mer Territoriale pour la France et la Couleur rouge l'étendue de cette Mer pour les Iles d'Aurigny, de Cers [Sark], de Jersey et des Minquiers possédées par l'Angleterre".

It will be seen from the text of the letter dated the 14th September, 1819³, that, while the French Government recognized that the sovereignty of the littoral state extended over the adjacent waters, they did not hold at the period in question the view that in all circumstances the limits of such territorial waters were three miles from low-water mark. They therefore proposed that, to meet the special circumstances then existing in the areas between the Channel Islands and France, the two Governments should agree to a maritime belt of six miles round their respective coasts. The effect of this proposal in regard to the Ecréhous was that, unlike the Minquiers, they were treated as belonging to nobody, and therefore carried no maritime belt of their own. They fall for the most part within the British maritime belt of six miles round Jersey, and outside the French maritime belt. The proposal that the British mari-

¹ See Annex A 24.

² See Annexes B 4 and B 5.

³ See Annex A 25.

time belt should be drawn round the Minquiers is in accordance with the statement contained in the letter dated the 14th September, 1819, that the Minquiers were possessed by England. The United Kingdom Government will discuss in Part III of this Memorial the relevance of these proposals of the French Government to the issue of sovereignty (see paragraphs 210 to 213 inclusive, below).

76. The United Kingdom Government appear to have made no immediate reply to the French proposals referred to in the preceding two paragraphs. In 1823, however, further negotiations were begun and in that year a conference took place in Granville, which was continued in London in 1824. As a result of these discussions a draft Fishery Convention was drawn up, the English text of which was agreed in September, 1824, between the Prince de Polignac, the French Ambassador, and Mr. Henry Hobhouse, Permanent Under-Secretary of State for the British Home Department¹. The basis of the proposed Convention² was the reciprocal recognition, laid down in Article 1, by the two Governments "as inherent in the territorial Sovereignty of each State, [of] the exclusive Right of fishing within the Distance of one Marine League or the twentieth part of a Degree from the Shore along the Coasts of their respective Possessions in Europe". In the case of fishing for oysters, mussels and other shell-fish, it was proposed that each High Contracting Party should recognize the other as being entitled to the right of fishery in certain additional areas beyond the three-mile limit measured from low-water mark (Article 1). Article 2 of this draft Convention sets out the limits of the French shell-fish fisheries. The approximate position of this line has been plotted by the British Admiralty on British Admiralty chart No. 2669³. Article 3 of the draft gives the limits of the United Kingdom shell-fish fishery (also plotted on the chart above mentioned).

77. Neither the Ecréhous nor the Minquiers are referred to in the 1824 draft Convention. The United Kingdom Government will, however, discuss in Part III of this Memorial the relevance of the draft Convention to the issue of sovereignty before the Court (see paragraphs 214 and 215, below).

78. The draft Convention discussed in the preceding paragraphs was never signed, because the United Kingdom Government were not prepared to agree that it should apply generally to all fisheries on the coasts of the two countries, a point on which the French Ambassador refused to give way. Meanwhile, provisional arrangements had been concluded locally, pending the conclusion of a Convention. These gave the French exclusive oyster fishing rights within six miles of their coastline in the disputed area. They were,

¹ Letter dated the 9th September, 1824, from Mr. Hobhouse to Mr. Planta of the British Foreign Office. See Annex A 26.

² See Annex A 26.

³ See Annex B 6.

as Lord Palmerston wrote later, "purely temporary and informal", and rested "upon no formal convention or recorded agreement between the two Governments", but were "merely a temporary arrangement between two lieutenants of the respective navies on the spot; for the supposed convenience of the parties, and until the two Governments should come to a final settlement of the matter"¹. These provisional arrangements reached in 1824 did not put an end to the disputes between the fishermen of the two countries. On the one hand, the United Kingdom fishermen objected to these provisional arrangements on the ground that they were unduly unfavourable to them, and, on the other, the French fishermen complained of violations by United Kingdom fishermen of French fishing areas. While the disputes were not confined to areas between the Channel Islands and the coast of the French mainland, it was in these areas that they were most frequent and serious. The Government of the United Kingdom accordingly proposed to the French Government in 1836 that a Mixed Commission should be appointed to examine the conditions on the spot and to hear the complaints of the fishermen of both countries with the object of agreeing on proposals for a settlement of the problem.

Sub-Section B.—International Agreements

79. In 1837 a Mixed Commission was appointed by the French and British Governments to consider complaints on the part of French fishermen against the English, especially in regard to the dredging for oysters off the French coast: and to define the limits within which the nationals of the two countries should be at liberty to fish for oysters between Jersey and the neighbouring coast of France. In 1839 a Convention² was drawn up based on the recommendations of the Commission. The opportunity was taken at the same time, as explained in the preamble to the Convention, "to define and regulate the limits within which the general right of fishery on all parts of the coasts of the two countries shall be exclusively reserved to the subjects of France and of Great Britain respectively". The purpose of the Convention, therefore, was to define and regulate the limits of the exclusive right of the oyster and other fishery on the coasts of Great Britain and France. The United Kingdom Government will submit in Part III of this Memorial their contentions regarding the relevance of this Convention to the issue of sovereignty (see paragraphs 216 and 217, below).

80. By Article I it was agreed that the lines drawn on the chart² annexed to this Convention would be acknowledged as defining

¹ Letter of Lord Palmerston to Lord Granville, then British Ambassador in Paris, of the 29th March, 1837: Foreign Office Papers, 27/535.

² See Annex A 27. The chart accompanying the Convention is at Annex B 7.

the limits between which and the French shore the oyster fishery should be reserved exclusively to French subjects. By Article 2 of the Convention it was declared that the oyster fishery within three miles of the Island of Jersey, calculated from low-water mark, should be reserved exclusively to British subjects. By Article 3, it was further declared that the oyster fishery outside of the limits within which that fishery was exclusively reserved to British and French subjects respectively should be common to the subjects of both countries. Article 9¹ then provided that the subjects of Her Britannic Majesty should enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coasts of the British Islands; and that the subjects of the King of the French should enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coasts of France; it being understood that upon that part of the coast of France which was situated between *Cap Carteret* and *Pointe du Menga* French subjects should enjoy the exclusive right of all kinds of fishery within the limits assigned in Article 1 for the French oyster fishery. It was further agreed that the distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries should, with respect to bays, the mouths of which did not exceed ten miles in width, be measured from a straight line drawn from headland to headland. Lastly, it was agreed in Article 11 that a Commission should be set up by the High Contracting Parties. This Commission was to "prepare a set of regulations for the guidance of the fishermen of the two countries, in the seas above-mentioned", and to submit them to the two Governments "for approval and confirmation".

81. On the 24th May, 1843, Regulations² drawn up pursuant to Article 11 of the 1839 Convention were signed on behalf of the British and French Governments. By Article I it was agreed that British and French subjects fishing in the seas lying between the coasts of the United Kingdom of Great Britain and Ireland, and those of the Kingdom of France should conform to the Regulations, which *inter alia* provided that :

"The Limits within which the general Right of Fishery is exclusively reserved to the Subjects of the Two Kingdoms respectively are fixed (with the Exception of those in Granville Bay) at Three Miles Distance from Low-water Mark" (Article II) ;

"The Commanders of Cruisers of both Countries shall exercise their Judgment as to the Causes of any Transgressions committed by British or French Fishing Boats in the Seas where the said Boats have the Right to fish in common...." (Article LXV) ; and :

¹ Articles 4 to 8 inclusive, contained provisions for the regulation of fishing, the registration of fishing boats, &c.

² *Regulations for the Guidance of the Fishermen of Great Britain and of France*, &c. : *Statutes At Large* (1842-3), xxxiv. 863-70.

"The Fishing Boats of the one Country shall not approach nearer to any Part of the Coasts of the other Country than the Limit of Three Miles, specified in Article IX. [*i.e.*, 9] of the Convention [of 1839]" (Article LXXXV).

These Regulations and the Convention itself were carried into effect on the British side by an Act of Parliament¹, Section XVIII of which enacted that the words "*British Vessel*" should be construed to mean any British or Irish fishing vessel or fishing boat belonging to any of the Islands of Guernsey, Jersey, Sark, Alderney, or Man, or any Island thereunto belonging.

82. In 1867 a new Fishery Convention² was concluded between Great Britain and France, which, although subsequently ratified, was never brought into operation. Article 1 of the Convention provided that the exclusive right of fishery should be enjoyed by British and French subjects respectively over the same areas as was laid down in Article 9 of the 1839 Convention, namely, within a distance of three miles from low-water mark, except in regard to the part of the coast of France which lies between *Cap Carteret* and *Pointe du Menga*, that is, the area lying to the east of the line drawn on the chart annexed to the Convention. This line was identical with that shewn on the chart³ annexed to the 1839 Convention. By Article 38³ it was declared that :

"The terms 'British Islands' and 'United Kingdom', employed in this Convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies".

83. On the 2nd January, 1859, a Convention⁴ was signed at Paris between the French Minister of the Interior and representatives of the British Submarine Telegraph Company, under the provisions of which the Company was granted certain concessionary rights in respect of submarine telegraph cables between France and England, including one to be established at the request of the French Government between France and the Channel Islands. This Convention, which was approved by a French Imperial Decree⁵, has no connexion with the Fishery Conventions referred to in the preceding

¹ That of the 22nd August, 1843 (6 & 7 Vict. Cap. 79) *Statutes at Large* (1842-3), xxxiv. 860-3.

² See Annex A 28. The chart accompanying the Convention is at Annex B 8.

³ As regards the other Articles of this Convention, Article 2 defined the limits of the French exclusive fishery by reference to lines drawn on a chart, annexed to the Convention, which were identical with those drawn on the chart annexed to the 1839 Convention (see paragraphs 79 and 80, above). Article 3 extended the application of the Convention to the seas adjoining the coasts of France and the United Kingdom. Articles 4 to 37 inclusive provided for the practical application of the Convention, and contained detailed provisions for the regulation of fishing, the registration of fishing boats, &c. Articles 39 to 42 inclusive contained formal provisions.

⁴ See Annex A 29.

⁵ See Annex A 29.

paragraphs of this Sub-Section. It is, however, considered appropriate to refer to it at this point in the Memorial, because, as in the case of Article 38 of the 1867 Convention¹, referred to in the preceding paragraph, it contains in Article II (2) a reference to the dependencies of Jersey, which treats them as British possessions. The relevant passage is as follows :

“La Compagnie seule aura le droit de relier la France auxdites îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et autres îles et îlots en dépendant, et s’engage à faire passer par ces nouvelles lignes toutes les dépêches Françaises qui lui seront remises.

“Le nombre de zones qui devra servir de base à l’établissement de la taxe, des côtes de France aux îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et aux îles ou îlots en dépendant, est fixé comme suit pour chaque dépêche simple de quinze mots”.

84. During the latter part of the 19th century, and again in the 20th century the French Government asserted rights in respect of the Ecréhous and Minquiers on several occasions in consequence of measures taken by the United Kingdom Government. In giving an account of this correspondence, the Government of the United Kingdom will deal separately with that relating to the Ecréhous group and that relating to the Minquiers group of Islets.

Sub-Section C.—Diplomatic Correspondence Respecting the Ecréhous

85. A Treasury Warrant constituting Jersey a Port of the Channel Islands was issued on the 9th October, 1875², under the authority of the Customs Consolidation Act, 1853³. This included the following passage “and we do hereby declare that the limits of the said Port shall include the whole of the said Island together with the rocks called the Ecrehou Rocks and shall extend seaward to a distance of three miles from low-water mark of the coast of the said Island and three miles from low-water mark of the said Ecrehou Rocks and shall include all Islands together with all Bays Harbours Rivers and Creeks within the aforesaid limits”. The Warrant led to a protest dated the 27th February, 1876⁴ from the French Ambassador in London, the Marquis d’Harcourt, to Lord Derby, the British Foreign Secretary. The protest, which was based on the Fishery Convention of 1839⁵, was to the effect that the Treasury Warrant implied “une dérogation formelle aux dispositions de la Convention des pêcheries, du 2 Août 1839, qui fixe a [*sic*] 3 milles autour de l’île de Jersey la limite de la mer territoriale Anglaise”. Lord Derby replied in a Note⁶ dated the 6th July, 1876, enclosing

¹ See Annex A 28.

² See Annex A 30.

³ 16 & 17 Vict. Cap. 107.

⁴ See Annex A 31.

⁵ See Annex A 27.

⁶ See Annex A 32.

a Memorandum¹ which he claimed constituted "undeniable evidence that the Ecrehous Rocks are British property as an undoubted dependency of the Island of Jersey". No answer to this Note was received from the French Government.

86. The next occasion on which the Ecréhous were the subject of correspondence between the United Kingdom and French Governments occurred in 1883. In March of that year fishermen and landowners living on the east coast of Jersey sent a petition to the States of Jersey complaining of illegal fishing activities at the Ecréhous by French fishermen². On the basis of information received from the French Vice-Consul at Jersey, the French Ambassador, M. Tissot, addressed a Note to the British Secretary of State for Foreign Affairs, Lord Granville, on the 25th April, 1883³. In that Note M. Tissot referred to a "projet de loi [of the States of Jersey] tendant à interdire aux pêcheurs Français l'accès des Ecrehous, groupe de rochers situé à distance égale de Jersey et du littoral français"⁴. M. Tissot went on to say: "Cette prétention ne saurait être admise par le gouvernement de la République et, si les Etats de Jersey votaient le projet de loi en seconde lecture, ce fait serait contraire à un usage constant, reconnu notamment dans la convention sur les pêcheries de 1839 actuellement en vigueur entre les deux pays".

87. M. Tissot then referred to the correspondence which had taken place in 1876 (see paragraph 85, above) and explained the reason why the French Government had sent no reply to Lord Derby's letter of the 6th July, 1876, in the following terms: "Le Gouvernement français n'a pas jugé opportun à cette époque d'entamer une discussion sur ce point avec le gouvernement britannique et il s'est maintenu dans cette réserve jusqu'à présent d'autant plus volontiers qu'en fait nos pêcheurs ont continué à exercer leur industrie le long des Ecrehous sans rencontrer d'opposition de la part de l'autorité britannique, ce qui permet de supposer que les arguments présentés dans le mémorandum de 1876 pour revendiquer la propriété exclusive de ce groupe de rochers ne lui paraissaient pas

¹ See Annex A 33. This Memorandum itself was based upon the evidence and opinions of the Commissioners of His Majesty's Customs, and the Attorney-General of Jersey, &c. See Annexes A 34, A 35 and A 36.

² See Annex A 37. The action taken by the Jersey authorities and the United Kingdom Government in regard to this petition is described in paragraphs 147 and 148, below.

³ See Annex A 38.

⁴ This statement is in fact inaccurate in two respects:

- (a) The Ecréhous are not equally distant from Jersey and the French coast, but nearer to the former (see paragraph 5 (c), above).
- (b) There was no *Projet de Loi* in the legislative sense suggested by M. Tissot, but only a petition presented to the States of Jersey by the fishermen and landowners; and discussion in the States in which it was proposed to pass an Act or resolution of the States that a petition on the matter should be addressed to Her Majesty Queen Victoria.

absolument péremptoires". M. Tissot later proceeded to discuss in detail with reference to the 1839 and 1867 Conventions the question whether, on the proper construction of the 1839 Convention, the Ecréhous should be regarded as comprised in the zone in which the rights of fishing were to be common to the subjects of both countries, and asked that the necessary measures should be taken "pour le maintien de l'état de choses auquel la résolution prise par l'Assemblée de Jersey est de nature à porter une grave atteinte".

88. The French Government did not in the Note referred to in the preceding paragraph attempt to justify a French claim to sovereignty over the Ecréhous. On the contrary, as in 1820 (see paragraph 75, above), they were here arguing that the Ecréhous belonged to nobody, that is to say, that they were *res nullius*. The French case was based on the words of Article 2 of the 1839 Convention, which defined the limits of the exclusive British oyster fishery as "within three miles of the Island of Jersey", whereas the Ecréhous are beyond that limit. M. Tissot went on to argue that if the three-mile limit, in respect of which British subjects had the exclusive right to oyster fishing, were drawn round the Ecréhous it "... supprimerait entièrement dans ces parages toute mer commune entre les eaux anglaises et françaises, alors que l'article 3 de la même convention parle d'une mer commune située entre les limites des deux zones anglaise et française, limites en dedans desquelles la pêche aux huîtres est exclusivement réservée soit aux pêcheurs français, soit aux sujets britanniques". This statement was in fact inaccurate. The principal Islet in the Ecréhous group, Maître Ile, lies 7.3 sea-miles from *Cap de Carteret* (see sub-paragraph (c) of paragraph 5, above), while the part of the line marked on the chart annexed to the 1839 Convention which runs opposite the Ecréhous, and defines the French fishery limits, is on the average, only two miles from the French coast. If the British fishery limit were calculated as three miles from the Maître Ile, there would be 1.3 sea-miles of waters in which the right of fishery would be common to French and British nationals. Even if the British three-mile limit had been calculated from the rock in the Ecréhous permanently above high water which is nearest to the French mainland and which lies 6.6 sea-miles south-west of *Cap de Carteret* (see sub-paragraph (c) of paragraph 5, above), a "common sea" of half a mile's breadth would nonetheless remain, even at its narrowest point. The question whether the Ecréhous were comprised in the area in which, under Article 3 of the 1839 Convention, the oyster fishery was common to both British and French subjects, depended on their being regarded as *res nullius*, and on their not being regarded as British, since in the latter case, as the United Kingdom Government contended, the limits of the exclusive British fishery would, as provided by Article 9 of the 1839 Convention, be three miles from low-water mark round the Ecréhous.

89. In a second Note dated the 26th May, 1883¹ M. Tissot referred to his previous letter of the 25th April, 1883 (see paragraph 86, above) as having drawn attention to "le caractère illégal d'une mesure [the supposed *Projet de Loi*] qui ne tendait à rien moins qu'à méconnaître la neutralité de ces îlots, implicitement consacrée par les conventions [*i.e.*, of 1839 and 1867] conclues entre la France et l'Angleterre". He went on to appeal to "l'esprit de justice dont s'est montré animé le gouvernement de la Reine [Victoria] lorsqu'il s'est refusé à plusieurs reprises, dans le cours de ces dernières années, et notamment en 1881, à prêter son appui aux tentatives faites par les habitants de Jersey depuis 1857, pour modifier à leur profit le *statu quo* sanctionné par le droit conventionnel"².

90. Lord Granville replied to M. Waddington on behalf of the United Kingdom Government in a Note dated the 24th October, 1883³. In referring to the allegation that the Ecréhous were *res nullius*, he pointed out that this was the first time that such a proposition had been put forward, and that it had "no foundation in any Convention or correspondence between the two Governments", and went on to say :

"I can hardly believe, M. l'Ambassadeur, that M. Tissot intended seriously to call in question the right of the British Crown to the sovereignty of the Ecréhous. Those islets have always been treated as a dependency of Jersey; the soil belongs entirely to Jerseymen—chiefly fishermen who have dwellings and own small tracts of land there—and the islets for administrative purposes form part of the Parish of St. Martin's, in the Island of Jersey.

"Moreover, when, in October 1875, as stated by M. Tissot, the Lords Commissioners of Her Majesty's Treasury issued an Order constituting the Island of Jersey a Channel port, and mentioning the Ecréhous as being included in the limits of that port, the Earl of Derby, then Secretary of State for this Department, in reply to a representation from the French Ambassador on this subject, and after consultation with the Law Advisers of the Crown, furnished his Excellency with a statement of facts which, in the view of Her Majesty's Government, presented conclusive evidence of the title of the British Crown to the Ecréhous as dependencies

¹ See Annex A 39.

² It would appear that there had been some fishing by Frenchmen off the Ecréhous from time to time in previous years, and that the Islets were also used by both British and French smugglers. The British Foreign Office, however, recommended in 1882 that drastic action to enforce the Fishery Regulations in relation to the Ecréhous should not be taken, that the matter was not of such consequence as to justify addressing a Note to the French Government, and that the existing state of affairs was to be left undisturbed apart from any steps which it might be necessary to take to protect the revenue in the Channel Islands. The Jersey authorities were, in face of the continued presence at this period of French fishermen off the Ecréhous, not satisfied with the negative attitude adopted by the United Kingdom Government, and the States of Jersey therefore decided to take the matter up with the authorities in London. It is to these incidents that the passage quoted from M. Tissot's letter no doubt refers.

³ See Annex A 40.

of Jersey, and those statements the French Government did not attempt to controvert¹.

"Her Majesty's Government, therefore, do not consider it necessary to discuss the question of the sovereignty of Great Britain over those islets; and the only question which arises is whether, the Ecréhos being British territory, French fishermen are entitled, under the terms of the Convention of 1839, to participate either in the oyster fishery or in the general fishery within 3 miles of those islets".

91. The Note then proceeds to discuss at some length the proper construction of the 1839 Convention, read in conjunction with the 1867 Convention, with reference to the French claim that French fishermen were "entitled, under the terms of the Convention of 1839, to participate either in the oyster fishery or in the general fishery within 3 miles of those islets". In regard to the general right of fishery, Lord Granville concludes the Note by stating: "As regards the right of general fishery within 3 miles of the Ecréhos, Her Majesty's Government consider that the terms of Article IX [*i.e.*, 9]² of the Convention of 1839 and of the Fishery Regulations [*i.e.*, of 1843] above referred to, admit of no doubt as to its being reserved exclusively to British subjects. The claim of French fishermen to participate in it appears to put in question the sovereignty of Great Britain over those islets, and I trust, therefore, M. l'Ambassadeur, that your Government will appreciate the difficulty felt by Her Majesty's Government in making any concession on this point consistently with the territorial rights of this country".

92. The French Government eventually replied to Lord Granville's Note of the 24th October, 1883 (see paragraph 90, above) in a Note dated the 15th December, 1886, from M. Waddington, French Ambassador in London to Lord Iddesleigh, the British Foreign Secretary³. In this Note, M. Waddington first states that the French Government had postponed their reply to the arguments

¹ See paragraph 85, above.

² Article 9 of the 1839 Convention reads as follows:

"The subjects of His Majesty the King of the French shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent of the coasts of France, and the subjects of Her Britannick Majesty shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent of the coasts of the British Islands.

"It being understood that upon that part of the coast of France which lies between *Cape Carteret* and *Point Meinga*, French subjects shall enjoy the exclusive right of all kinds of fishery within the limits assigned in first article of this Convention for the french oyster fishery.

"It is equally agreed that the distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries, shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland."

³ See Annex A 41.

contained in the Memorandum enclosed with Lord Derby's Note of the 6th July, 1876 (see paragraph 85, above), in order that the United Kingdom's contentions might be studied by a Committee of Specialists appointed by the French Government, and that the Committee had submitted a Report to the French Ministry of Foreign Affairs¹. The Note then proceeds to contend, on the basis of the arguments in the Report relating to the rights of fishery, that French nationals have the right to fish around the Ecréhous Islets, and that this would be the case "lors même que les titres les plus légitimes de la France à posséder les Ecréhous ne seraient pas désormais établis". M. Waddington, having expressed the hope of the French Government that the United Kingdom Government would recognize the validity of the conclusions submitted in the Report, goes on to say :

"L'administration française en exposant ainsi les titres qui lui permettraient d'établir son autorité sur les Ecréhous ne nourrit aucune visée de nature à inquiéter le Gouvernement de la Reine. Pour le prouver, je suis autorisé à déclarer que nous ne ferions pas d'opposition à ce que ces îlots [*sic*] fussent neutralisés au point de vue militaire, et nous prendrions volontiers à cet égard tous les engagements les plus propres à écarter les malentendus."

According to the information available to the Government of the United Kingdom, this was the first time that the French Government claimed sovereignty over the Ecréhous. In its previous communications the French Government had contended that the Ecréhous belonged to nobody (see paragraphs 75, 88 and 89, above).

93. The United Kingdom Government subsequently replied to M. Waddington's Note of the 15th December, 1886 (see paragraph 92, above), in a Note² dated the 27th October, 1887, addressed by Lord Salisbury the British Foreign Secretary, to Count d'Aubigny, the French Chargé d'Affaires. Lord Salisbury first addressed himself to the question of sovereignty in the following terms :

"As regards the first point, I would begin by observing that H.M.'s Gov^t were unprepared to learn, especially after the correspondence which has taken place upon the subject, that the French Gov^t seriously dispute at the present day the Sovereign Rights of Great Britain over the Ecréhous.

"The question was mooted in 1876 in connection with a Treasury Order relating to Jersey and its Dependencies, and in reply to a Note of the 27th of Feb. of that year from the Marquis d'Harcourt, at that time French Ambassador at this Court, a Mem[orandum] : was communicated to H[is]. E[xcellency]. establishing beyond any possibility of doubt the title of Great Britain to the Ecréhous".

¹ A copy of this Report was enclosed with the Note. See Annex A 42. The contentions contained in this Report are discussed in Part III of this Memorial.

² See Annex A 43.

94. Lord Salisbury then drew attention to a dispatch dated the 26th March, 1884, which had been addressed by an official of the French Government, M. Billot, to the French Minister of Marine, M. Peyron, and another dispatch of the same date addressed by the latter to the *Préfet Maritime* at Brest¹. The dispatch of M. Billot contains a statement relevant to the question of sovereignty, which is as follows :

“Quant à la pêche générale, les limites en sont réglées par l'article 9 de la même convention, d'après laquelle les pêcheurs britanniques ont un droit exclusif, dans le rayon de trois milles de la lise[*sic*] de basse mer, le long de toute l'étendue des côtes des îles anglaises, et vous savez, que le gouvernement anglais n'a cessé de revendiquer les Ecrehous comme une dépendance de ces îles. Dans l'état de la question, et pour prévenir tout conflit, vous jugerez sans doute utile d'interdire l'accès des Ecrehous à nos pêcheurs, en les prévenant des risques auxquels ils s'exposeraient s'ils ne tenaient pas compte de cette défense”.

95. Lord Salisbury accepted the dispatch from which a quotation is made in the preceding paragraph, and the further dispatch sent by M. Peyron referred to in the preceding paragraph, as evidence of French recognition of United Kingdom sovereignty over the Ecréhous. He then dismissed summarily the researches of the French Committee of Specialists on this point, and concluded the Note by enclosing that part of a Memorandum by the Law Officers of the Crown in Jersey which related to fishing rights².

96. The French Government replied to Lord Salisbury's Note of the 27th October, 1887 (see paragraph 93, above) in a further Note dated the 26th January, 1888³, from M. Waddington to Lord Salisbury. In this Note M. Waddington, having remarked that Lord Salisbury had, in his last Note, replied to the French contentions in a general manner, as if they were only of academic interest, stated that he had been instructed to maintain the assertion of French sovereignty over the Ecréhous. He then replied to the argument made by Lord Salisbury that the Memorandum enclosed with Lord Derby's Note of the 6th July, 1876 (see paragraph 85, above) had for many years gone unanswered by saying that the question of sovereignty was “de la médiocre urgence,” and to the further argument based on the dispatches of the Ministries of Foreign

¹ It appears that these dispatches were subsequently printed in a Paris newspaper *La Justice*, of the 27th January, 1886; the text at Annex A 46 is taken from the extract from the issue of *La Justice* in question sent by the British Embassy in Paris to the Foreign Office in London.

² See Annex A 47, which contains the complete Memorandum of the Jersey Law Officers. The first part of their Memorandum deals in detail with the contentions of the French Committee of Specialists on the Sovereignty issue, and is discussed in Part III of this Memorial.

³ See Annex A 48.

Affairs and Marine of the 26th March, 1884 (see paragraph 94, above) by saying that :

“L'intention du Gouvernement français n'était que d'empêcher provisoirement 'dans l'état[*sic*] de la question' nos pêcheurs de fréquenter les Ecrehous et d'y pêcher des poissons ou des crustacés. Nous tenions, par cette précaution, à écarter toute cause de conflit entre les pêcheurs des deux pays et il ne paraît [*sic*] pas admissible qu'on puisse tirer parti contre nous, à titre définitif, d'une mesure qui n'avait qu'un caractère provisoire et qui prouve précisément l'esprit conciliant dans lequel nous avons toujours entendu suivre ces pourparlers”.

The remainder of the Note deals with the question of fishing rights, and concludes as follows :

“En communiquant ces observations à Votre Seigneurie je crois devoir La prier de vouloir bien soumettre toute l'affaire des Ecrehous à un nouvel examen et je Lui serais obligé de m'adresser une réponse dès qu'il Lui sera possible, principalement en ce qui concerne la question des pêcheries dont le règlement présente un intérêt plus immédiat”.

97. Lord Salisbury replied in a Note¹ dated the 3rd February, 1888, to M. Waddington's Note of the 26th January, 1888, referred to in the preceding paragraph. In his Note, Lord Salisbury stated that the statements contained in M. Waddington's Note would receive the attentive consideration of Her Majesty's Government, and that a further communication would be addressed to M. Waddington upon the subject. The question of what should be said in this further communication was discussed between the British Home Office and Foreign Office. It was eventually decided that nothing could usefully be added to the arguments put forward in Lord Salisbury's Note to Count d'Aubigny of the 27th October, 1887 (see paragraph 93, above).

98. No evidence has been found in the archives of the British Foreign Office that the French Government again asserted a claim to sovereignty over the Ecréhous, although Lord Salisbury, in his Note² to M. Waddington dated the 21st November, 1888, on the subject of the Minquiers (see paragraph 102, below), mentioned them together with the Minquiers as being British.

Sub-Section D.— Diplomatic Correspondence Respecting the Minquiers

99. In November, 1869, the United Kingdom Board of Trade received a complaint³ made by certain fishermen of the parishes of

¹ See Annex A 49.

² See Annex A 54.

³ See Annex A 50.

Grouville and St. Clement in the Island of Jersey, that their lobster-pots, put down at low tide at a certain distance from the shore of the Minquiers frequently disappeared, and that they had no doubt that they were taken away by French fishermen from Granville and Cancale (see also paragraphs 103, 174 and 175, below). The Lieutenant Governor of Jersey supported their request that representations should be made to the French Government. On the instructions of Lord Granville, the British Foreign Secretary, Mr. West, then Chargé d'Affaires at the British Embassy in Paris, addressed a Note dated the 12th November, 1869¹ to Prince de la Tour d'Auvergne, the French Minister of Foreign Affairs, in which he stated :

"... It appears that the Jersey fishermen are in the habit of resorting to a range of Rocks and shallows, called the Rocks and Islands of Minquieres[*sic*], for the purpose of Lobster fishing, and that after setting their Gear, French fishing Boats come across from the ports of Granville and Cancale and steal it. The inhospitable and Barren Nature of this dependency of the Channel Islands renders it almost uninhabitable, but notwithstanding this, these poor fishermen have long had huts built upon it for purposes of shelter when unable to return home, and they now complain that their hard earned livelihood is seriously affected by these depredations on the part of the French Fishermen, who thus profit by the labour of their Neighbours".

100. Count Daru, of the French Ministry of Foreign Affairs, replied to the Note referred to in the preceding paragraph in a Note² dated the 11th March, 1870, in which he stated that it had been impossible to trace any French national who had been implicated in the alleged thefts. Although there was no evidence that French fishermen were responsible in any way, Count Daru stated that warnings had been issued to prevent, if it were necessary, any interference in the future by French fishermen with the tackle of the Jersey fishermen who resorted to the Minquiers. In this Note there is no suggestion on the part of the French Government that the Minquiers were not British territory, and no claim was made to them by the French Government.

101. In May, 1888, it appears that a French surveying party visited Maitresse Ile, and placed a triangular beacon on the summit of the Islet and also some posts on other Islets, and that they had marked two other Islets with white-washed patches³. Later in the same year it seems that the Committee of Piers and Harbours of the States of Jersey paid an official visit to the Minquiers, which gave

¹ See Annex A 51. This Note was dispatched on the 13th November, 1869, and is so referred to in subsequent communications between the two Governments.

² See Annex A 52.

³ These facts are derived from a letter addressed by the Commander of Her Majesty's Ship *Mistletoe*, stationed at the period in question in Jersey waters, to the British Admiralty.

rise to a protest on the part of the French Government contained in a Note dated the 27th August, 1888, addressed by M. Waddington to Lord Salisbury¹. The former stated that the Minquiers were "un groupe d'îlots[sic] qui fait incontestablement partie de notre domaine maritime". He then referred to the various works carried out during the preceding thirty years by the French authorities on these rocks, which he claimed were administered by the engineer of the port of Granville. He mentioned in particular a floating light, which had been maintained since 1861, and a buoy placed in 1883, and claimed that "ces actes de souveraineté n'ont provoqué et ne pouvaient provoquer aucune observation de la part du Gouvernement de la Reine [Victoria]". M. Waddington concluded by alluding to the need to provide for the safety of ships in the waters adjacent to the Minquiers, and requested the United Kingdom Government to recognize the validity of the French claims.

102. The United Kingdom replied to the Note referred to in the preceding paragraph in a Note dated the 21st November, 1888, sent by Lord Salisbury to M. Waddington². Lord Salisbury begins by discussing the particular arguments in favour of French sovereignty in the following terms :

"That claim was stated to be founded on the following facts :—

- 1st That the Minquiers are a continuation of the Chaussey[sic] 'plateau' ;
- 2nd That a hydrographical survey of these Rocks was made by French officers about 30 years ago ;
- 3^{rdly} that, in 1861, the French Government placed a floating Lightship (which they have since maintained) at a point south-west of the Minquiers 'plateau' ; and
- 4^{thly} that, in 1883, they placed a Buoy (which they have also since maintained) off the south-east coast of these Rocks.

"Your Excellency then proceeds to inform me that the French Government consider that these proceedings on their part constitute acts of sovereignty, and that the circumstance that they have never called forth any remonstrance on the part of Her Majesty's Government, whilst the position of the french[sic] floating lightship is laid down on the English Admiralty Charts, tends to strengthen their claim.

"With regard to the 1st point, I would beg permission to call Your Excellency's attention to the Fishery Conventions concluded between the two countries on the 2nd August 1839 and the 11th November 1867, and especially to the Maps which were annexed to each of them, and upon which a red line was drawn, defining the limits between certain fixed points and the French shore within which the oyster fishery was to be reserved exclusively to french[sic] subjects.

"On reference to these Maps it will be seen that the Minquiers group, so far from having been marked thereupon as a continuation

¹ See Annex A 53.

² See Annex A 54.

of the Chaussey[*sic*] group, which unquestionably belongs to France, was distinctly severed from the latter group by a red line which separated the two groups of Islands, and left the Minquiers outside the waters which were reserved exclusively for the use of French fishermen.

"By Art IX [*i.e.*, 9] of the Convention of August 2, 1839, the subjects of Her Britannic Majesty were declared to have a right to enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark, along the whole extent of the coasts of the 'British Islands', the same right being reserved to the French fishermen to exclusive fishery within 3 miles along the whole extent of the coast of France; and by article 37¹ of the Convention of the 11th November 1867 the same exclusive privileges were granted to British and French fishermen respectively; and it was explained, in the 38th article, that the terms 'British Islands' employed in the Convention should include the Islands of Jersey, Guernsey, Alderney, Sark and Man, 'with their dependencies', which expression could only have had reference to the dependencies of those Channel Islands, which were expressly mentioned by name in the Treaty, such as the Minquiers.

"With regard to the 2nd point, namely the survey of these Islets by a French Naval officer some 30 years ago, I may be permitted to remind Your Excellency that these rocks were first surveyed by a British Naval Officer, Captain Martin White, in 1831 [? 1813], who on the same occasion made a survey of the French coast in the neighbourhood, including the Bay of Saint-Malo, so that manifestly no claim to sovereignty could be based merely on this ground.

"As regards the 3rd point, namely the placing of a floating Lightship by the French authorities at a point South-West of the Minquiers rocks, and of a Buoy off the South-East Coast, for the security of navigation, such proceedings cannot, in the opinion of Her Majesty's Government, be cited as proofs of sovereignty over the rocks themselves, for it is not denied that British fishermen, and more particularly Fishermen from the Eastern and Southern coasts of the Island of Jersey, have from time immemorial resorted to the Minquiers Rocks to pursue their avocations, and that they have erected huts on those rocks, in which they have been in the habit of residing during the summer months, without any remonstrance either on the part of the French Government or on that of the French fishermen".

103. The Note then proceeded to set out "a few historical facts in support of the British Claim to sovereignty over these Islets", and then referred to M. Waddington's statement that the French right of sovereignty over the Minquiers had never before been called into question, and drew attention to the Note addressed by Mr. L. S. West to the Prince de la Tour d'Auvergne, on the 21th November, 1869 (see paragraph 99, above), in which the Minquiers

¹ The Note is erroneous in citing Article 37 of the Convention of 1867 as defining the limits of exclusive fishery assigned to the fishers of either country. These limits are in actual fact laid down in the first paragraph of Article 1.

were described as a "dependency of the Channel Islands", and to the fact that the French Ministry of Foreign Affairs, in its reply dated the 11th March, 1870 (see paragraph 100, above), did not deny that the Minquiers Islets were British, and "stated that steps would be taken to prevent the recurrence of such proceedings [*i.e.*, depredations of French fishermen at the Minquiers]". He concluded by stating that, in view of the reasons he had adduced, the United Kingdom Government were confident that the French Government would "admit that the right of Sovereignty of the British Crown over the Minquiers Group of Islets can no longer be considered open to doubt".

104. No reply to Lord Salisbury's Note referred to in the preceding two paragraphs was received by the United Kingdom Government, and the latter therefore considered that their claim to sovereignty had been admitted. On the 26th November, 1902, however, the French Embassy in London communicated an *Aide-Mémoire*¹ to the British Foreign Office on the subject of the erection of a flagstaff on the Maîtresse Ile². The *Aide-Mémoire* stated that the *Commandant de la Station de Granville* had reported in 1897 that the British flag was sometimes flown on the Minquiers Islets, but that, although from the French point of view these Islets "ont toujours été considérées comme dépendant des Chausey, et par suite, du territoire français.... Toutefois le Gouvernement de la République décida de ne faire aucune autre démarche à ce sujet; l'incident dont il s'agit ne semblant être le fait que de quelques pêcheurs[*sic*] isolés". The *Aide-Mémoire* then stated that the recent hoisting of the flag appeared to be in the nature of an official act and concluded as follows :

"L'Ambassadeur de France croit devoir appeler l'attention du Secrétaire d'État pour les Affaires Etrangères sur cette nouvelle manifestation et sur la question que soulèverait une sorte de prise de possession d'un groupe d'ilots[*sic*] dont la souveraineté n'a jamais été reconnue au Gouvernement Britannique par le Gouvernement Français".

105. On the 3rd December, 1902, Lord Lansdowne, the British Foreign Secretary, replied to the French *Aide-Mémoire*³ in a letter to M. Cambon, the French Ambassador, pointing out that a Note dealing with the case in question was addressed to M. Waddington by Lord Salisbury on the 21st November, 1888, to which an answer had not been received, and stating that on the grounds set forth in Lord Salisbury's Note (see paragraphs 102 and 103, above) His Majesty's Government considered these Islets to be unquestionably British.

¹ See Annex A 55.

² The flagstaff was no doubt that referred to in paragraph 165 (b), below.

³ See Annex A 56.

106. On the 28th February, 1903, Sir Edmund Monson, the British Ambassador in Paris, sent to the British Foreign Office an announcement which had appeared in *Le Temps* of Paris two days previously, to the effect that the *Administration des Ponts et Chaussées* had decided to erect a lighthouse on the Minquiers¹. In consequence, Sir E. Monson, on the instructions of Lord Lansdowne², dated the 25th March, 1903, addressed a Note to M. Delcassé, the French Minister of Foreign Affairs, in which he asked for an assurance that there was no intention on the part of the French Government to erect the lighthouse in question. In a Dispatch³ of the 19th April, 1903, the British Ambassador communicated a French reply, dated the 17th April, 1903⁴; the French Government stated:

“De l'enquête que j'ai poursuivie auprès des administrations compétentes, il résulte qu'il n'existe aucun projet de cette nature et que seule la modification du feu des îles Chaussey/*sic* a pu donner naissance à cette fausse nouvelle”.

107. While in Paris the French Government, in their Note of the 17th April, 1903, made no claim to sovereignty over the Minquiers, M. Geoffray, the French Chargé d'Affaires, called at the Foreign Office on the 20th April, 1903, and stated with reference to reports in the French press that the British flag had been hoisted on the Minquiers, that the French Government “would be glad to be in a position to state that no steps had been or were being taken by us [the United Kingdom Government] to alter the existing situation”. Sir Thomas Sanderson, Permanent Under-Secretary of State for Foreign Affairs, informed M. Geoffray that he “believed that the British flag had recently been re-hoisted there”, but that it was not “a new departure”, and that the United Kingdom Government “regarded the islets as incontestably British”⁵.

108. On the 27th April, 1903, M. Cambon, the French Ambassador, discussed the question of the Minquiers with Lord Lansdowne, and reiterated the contentions of the French Government in support of their claim to sovereignty over these Islets⁶. M. Cambon, however, summed up this conversation by saying that, in his personal view, the Minquiers really belonged to no one in particular, and he did not see why it should not be agreed that they should be so regarded by Great Britain and France. If so, there might be an

¹ See Annex A 57.

² See Annex A 58. This reprints the instructions of Lord Lansdowne, dated the 25th March, 1903. The Note addressed by the British Ambassador to the French Foreign Office has been destroyed.

³ See Annex A 59.

⁴ See Annex A 59.

⁵ The Foreign Office record of the conversation between M. Geoffray and Sir Thomas Sanderson and a later written reply to him are contained in Annex A 60.

⁶ The Foreign Office record of this conversation is contained in a dispatch of the Foreign Office to the British Ambassador in Paris. See Annex A 61.

understanding that any lights or beacons to be erected on or near the Minquiers should be at the common expense of both Powers. Lord Lansdowne undertook to consider M. Cambon's statement, but added that, as the latter was aware, the Minquiers were claimed by Great Britain.

109. A further conversation concerning the Minquiers took place between M. Cambon and Lord Lansdowne on the 13th May, 1903¹, in which M. Cambon stated he was authorized to make unofficially the suggestion that Great Britain and France should agree that the Minquiers should be regarded as belonging neither to Great Britain nor to France, but that these two Powers should assume responsibility for any expense which it might be necessary to incur in buoying or beaconing the Minquiers. Lord Lansdowne undertook to inform the British Home Office and Admiralty of this proposal.

110. On the 23rd June, 1903, the United Kingdom Government communicated an *Aide-Mémoire*² to M. Cambon, in reply to the proposal of the French Government referred to in the preceding paragraph, in which the United Kingdom Government stated that they were unable to admit that the British rights of ownership over these Islets were open to question. This *Aide-Mémoire* recited briefly the reasons for this view and the grounds on which the United Kingdom Government claimed sovereignty over the Minquiers. On the 15th July, 1903, M. Cambon communicated an *Aide-Mémoire*³ to the British Foreign Office in reply to its *Aide-Mémoire* of the 23rd June, re-stating shortly the French contentions. On the 18th December, 1903, M. Cambon communicated another *Aide-Mémoire*⁴ to the British Foreign Office with reference to the renewed hoisting of the British flag on Maitresse Ile, to which Lord Lansdowne replied in an *Aide-Mémoire*⁵ dated the 23rd December, 1903, stating that this practice had always been customary.

111. M. Cambon communicated a further *Aide-Mémoire* (dated the 18th January, 1904) on the 20th January, 1904, in which he stated that the French Government had always protested against the United Kingdom claim to sovereignty over the Minquiers on the ground that the 1839 Convention supported the French claim, and that "les seuls travaux exécutés aux Minquiers pour l'usage des navigateurs aient été effectués aux frais du Gouvernement français"⁶.

¹ The Foreign Office record of this conversation is again contained in a dispatch of the Foreign Office to the British Ambassador in Paris. See Annex A 62.

² See Annex A 63.

³ See Annex A 64.

⁴ See Annex A 65.

⁵ See Annex A 66.

⁶ See Annex A 67. M. Cambon would not appear to have been accurately informed, as no works of any kind had been carried out by the French Government at the Minquiers, nor within the three mile limit from those rocks. In fact, the

Accordingly, M. Cambon renewed his protest at the hoisting of the British flag on the Minquiers, but concluded by again expressing the hope that "le Gouvernement britannique sera disposé, en laissant de côté la question de souveraineté, à examiner avec le Gouvernement français les suggestions en vue d'un arrangement des difficultés actuellement soulevées qui étaient contenues dans sa Note du 15 Juillet 1903" (see paragraph 110, above). On the 13th July, 1904, M. Cambon called at the British Foreign Office and made representations¹ about the renewed hoisting of the British flag on Maitresse Ile on the 4th July, and informed Lord Lansdowne that M. Delcassé, the French Minister of Foreign Affairs, considered that in view of the conclusion of the Anglo-French Agreements of the 8th April, 1904², the moment was opportune to settle the question of the Minquiers.

112. The United Kingdom Government communicated a Memorandum (dated the 17th August, 1905), to M. Cambon on the 18th August, 1905³. This Memorandum set out in some detail the contentions of the United Kingdom Government on the issue of sovereignty based *inter alia* on the interpretation of the 1839 and 1867 Conventions; it also referred to the fact that the French Government had raised no objection to the claim asserted in Mr. West's Note of the 12th November, 1869 (see paragraph 99, above), that the Minquiers were a dependency of the Channel Islands, and to the long-standing occupation of the Maitresse Isle by Jersey fishermen. The Memorandum went on to refute the French argument based on the works of lighting and buoying alluded to in M. Cambon's Memorandum of the 15th July, 1903 (see paragraph 110, above), stating that "no works of any kind have been executed by the French Government at the Minquiers, nor even in the immediate vicinity of the islands". The Memorandum stated further that, while the United Kingdom Government were "unable to relinquish their claim to sovereignty over the Minquiers", they would propose, in order to arrive at some satisfactory settlement of the question, "that the islands should be recognized as British territory, and that British subjects alone should have the right of landing and residing upon them and of fishing within the waters surrounding the outlying rocks, which are uncovered at spring tide, and comprised within the line marked on the accompanying chart, but that the

French Government had, in 1865, placed a floating light, replaced in 1891 by light buoys, in the channel to the south-west of the Minquiers, outside the three mile limit from the rocks, in order to assist the navigation of vessels to their own coast. (See also paragraph 102, above.)

¹ See Annex A 68.

² Presumably the two Declarations between the United Kingdom and France respecting (1) Egypt and Morocco; (2) Siam, Madagascar, and the New Hebrides; and the Convention between the two countries respecting Newfoundland, and West and Central Africa signed 8th April, 1904 (*Treaty Series*, 1905, Nos. 6, 7 and 5 respectively).

³ See Annex A 69.

waters outside that line should be open to the fishermen of both countries, in so far as they do not come within the territorial or fishing limits of some other adjacent line of coast".

113. M. Geoffray, Chargé d'Affaires at the French Embassy in London, sent an acknowledgment¹ dated the 21st October, 1905, of the receipt of the United Kingdom Memorandum referred to in the preceding paragraph, in which he stated that it had been referred to the French Government. Shortly before this Memorandum was communicated to M. Cambon, the United Kingdom Government had occasion, as a result of an application by a British subject, Mr. W. E. Heppell, for a mining concession on Possession Island (one of the Crozet group in the South Atlantic Ocean), to inquire from the French Government whether they had assumed sovereignty over the Crozets. In reply to a further request for information made by the British Foreign Office, M. Cambon, apparently misunderstanding the purpose of the inquiry, suggested shortly afterwards a transaction² under which the French Government would renounce any claim to the Crozet Islands in return for the agreement of the United Kingdom Government that the Minquiers Islets should be treated as belonging to nobody, that is to say, as *res nullius*. The United Kingdom Government replied in a Note³ dated the 6th December, 1905, that they made no claim to the Crozet Islands and that they could not therefore contemplate the proposed transaction. Eventually, after several reminders⁴, the French Government stated in 1907 that they had no interest in the Crozet Islands, but they made no reply on the subject of the Memorandum of the 17th August, 1905, referred to in the preceding paragraph.

114. The question of sovereignty over the Minquiers Islets did not arise again until 1929. In that year, a French national, a M. Le Roux, who purported to hold a lease granted to him by a document signed by three French departmental officials, attempted to erect a hut on the Maitresse Ile (see paragraph 168, below). In the course of a conversation⁵ on the 11th July, 1929, with Sir R. Lindsay, Permanent Under-Secretary of State to the British Foreign Office, the French Ambassador, M. de Fleuriau, mentioned, possibly in connexion with M. Le Roux's action, that he thought that the status of the Islets had never been definitely settled and the "plateau" was regarded as "mer libre," that is, that it was "neutral." The United Kingdom Government took up the matter

¹ See Annex A 70.

² The details of this are contained in a dispatch from the British Foreign Office to the British Ambassador in Paris, 29th November, 1905. See Annex A 71.

³ See Annex A 72. The information is again derived from a dispatch and accompanying memorandum from the British Foreign Office to the British Ambassador in Paris.

⁴ See Annex A 73. France did eventually assume sovereignty of the Crozet Islands in 1913.

⁵ See Annex A 74.

in a Note¹, dated 26th July, 1929, in which they referred to the Memorandum of the 17th August, 1905 (see paragraph 112, above) and to the formal acknowledgment of its receipt dated the 21st October, 1905 (see paragraph 113, above). The Note stated that no reply, other than the formal acknowledgment, having been received to the Memorandum, the United Kingdom Government "have accordingly always assumed that the French Government had no desire to dissent from the view expressed in the memorandum, and they think that there must be some misunderstanding if a lease has actually been granted to Monsieur Leroux by a French authority, as alleged". The Note concluded by renewing the offer made in the 1905 Memorandum to reach a friendly settlement of the practical questions involved, and by requesting the French Government to restrain M. Le Roux from proceeding further with his building operations, pending such discussion. The French Government did not reply to this Note of the 26th July, 1929. It appears, however, that M. Le Roux withdrew from Maitresse Ile, having only constructed a foundation wall of some eighteen inches (see paragraph 168, below).

115. Several years later, the French Ambassador in London, M. Corbin, addressed a Note² dated the 5th October, 1937, to Mr. Eden, the British Foreign Secretary, in which the French Government stated that they had never renounced, and had no intention of renouncing, their sovereign rights over the Minquiers Islets. The occasion of this Note was stated to be the fact that French fishermen engaged in fishing in the areas off the Minquiers Islets had been concerned for some time at certain measures taken by the Jersey authorities. The alleged measures were the recent construction on Maitresse Ile of a Custom house displaying the Jersey coat-of-arms and the fact that "chaque fois qu'un bateau français s'approchait de cette île les couleurs britanniques étaient hissées à un mât de pavillon", and that "des bouées et des balises auraient été installées par les services compétents de l'île de Jersey". The Note then explained that these measures had caused concern among French fishermen as they feared that "cette prise de possession *de facto*" might result in their access to the Minquiers being denied or restricted, reasserted the French claim to sovereignty, as mentioned above, and requested an assurance of the United Kingdom Government that, as in the past, no hindrance would be placed in the way of the exercise of the French fishing industry in the areas off the Minquiers Islets.

116. The French Government in a Note³ dated the 10th January, 1938, made a further request for an assurance that the exercise of

¹ See Annex A 75.

² See Annex A 76.

³ See Annex A 77.

fishing rights by French nationals in the areas off the Minquiers would not be interfered with.

117. The United Kingdom Government replied to the French Notes referred to in the two preceding paragraphs in a Note¹ dated the 18th July, 1938, in which they drew attention to the Memorandum of the 17th August, 1905 (see paragraph 112, above), which they considered to "afford conclusive proof of British sovereignty over the Minquiers Islands", and stated that, while the United Kingdom Government were unable to admit that British sovereignty over the Islets, and therefore over the territorial waters surrounding them, could be called in question, they assured the French Government that "there is no intention at present to prevent French fishermen from fishing in the waters outside the line of low-water mark which is drawn between the outermost rocks uncovered at low water at equinoctial spring tides". This Note then went on to explain, as regards the activities of the Jersey authorities to which the French Note dated the 5th October, 1937, had drawn attention (see paragraph 115, above), that the Custom House had been established in 1909 with a view to checking smuggling, that the flagstaff had been maintained by the States of Jersey from time immemorial, and that it had been the custom to fly the British flag from it on suitable occasions. The Note further explained that the States of Jersey had, during the summers of 1936 and 1937, employed a number of workmen in extending the landing-stage and in work connected with buoys and beacons, and that, as these workmen were in the habit of signalling their messages to passing steamers for transmission to Jersey, this fact might explain the increase in the shewing of flags reported by French fishermen. The Note concluded by stating that the work of providing improved or additional lights, buoys and beacons was still proceeding, and that this and the other activities, which had caused concern to French fishermen, would not disturb their liberty of fishing.

118. The French Government made no reply to the Note dated the 18th July, 1938, referred to in the preceding paragraph.

PART II

FACTS RELATING TO THE ECREHOUS AND MINQUIERS GROUPS

Introduction

119. The Government of the United Kingdom in this Part of the Memorial will set out the facts relating to the Ecréhous and Minquiers groups of Islets and Rocks, which support the claim of the United Kingdom to sovereignty over them. The United Kingdom

¹ See Annex A 78.

Government wish first to draw the attention of the Court to the terms of Articles I and II of the Special Agreement of the 29th December, 1950 (see paragraph I, above).

120. Article I of the Special Agreement provides :

“The Court is requested to determine whether the sovereignty over the islets and rocks (in so far as they are capable of appropriation) of the Minquiers and Ecrehos groups respectively belongs to the United Kingdom or the French Republic”.

It will be seen from the terms of this Article that the French and United Kingdom Governments are agreed that the Islets and Rocks (in so far as they are capable of appropriation) of the Minquiers and Ecréhous groups belong either to France or to the United Kingdom. The basis on which the dispute between the two Governments has been submitted to the Court is, therefore, that none of the Islets or Rocks is to be regarded as *res nullius*, but that sovereignty over each of them belongs either to France or to the United Kingdom.

121. The United Kingdom Government also draw the attention of the Court to Article II of the Special Agreement, which provides that the agreement reached between them and the French Government as to the order in which the written proceedings are to be submitted to the Court is “Without prejudice to any question as to the burden of proof”, as between them and the French Government. It therefore follows that the Court is being asked to decide this dispute on the basis that sovereignty over the Minquiers and the Ecréhous should be adjudged to the party which shews the better title to them in international law, and the fact that it falls to the United Kingdom Government to open the written proceedings does not mean that the United Kingdom is to be regarded as the plaintiff (*actor*) or that France is to be regarded as the defendant. The maxim *actori incumbit probatio* is therefore not applicable to the present case.

122. The United Kingdom Government invite the Court to take note, in considering this Part of their Memorial, of the fact that it is not in dispute that sovereignty over the Channel Islands as a whole belongs to the United Kingdom. The sole issue before the Court is “whether the sovereignty over the islets and rocks (in so far as they are capable of appropriation) of the Minquiers and Ecrehos groups respectively belongs to the United Kingdom or the French Republic”.

123. As has been shewn in Section B of Part I of this Memorial, the Channel Islands as a whole formed part of the Duchy of Normandy and were included in its general scheme of administration in the 12th century. Continental Normandy was conquered by Philip Augustus (1180-1223), King of France, in 1204, the immediate result of which conquest was the isolation of the Channel Islands from Normandy, although the French King attempted later for several years to conquer them.

124. The United Kingdom Government will submit that, since the Norman Conquest of England in 1066, the Ecréhous and Minquiers groups have always been part of the territory of the English Crown as dependencies of Jersey; and that the evidence proves that the Kings of England have exercised jurisdiction over these groups of Islets, while France has never done so.

SECTION A.—THE ECREHOUS

Ancient Title

125. The earliest document relating to either group of Islets by name refers to the Ecréhous, and is dated 1203. On the 14th January, 1200, King John of England (1199-1216) granted by charter¹ to Piers des Préaux (*Petrus de Pratellis*), one of his subjects, the Islands of *Gerse*, *Gernere* and *Aurene* (Jersey, Guernsey and Alderney) and a grant of 60 pounds' (sterling) worth of land in Alton², in England, together with certain property in Rouen. By this grant, which was confirmed by charters dated at Angers on the 21st June, 1200³, Piers became "Lord of the Islands" (*i.e.*, the Channel Islands). Piers then made a grant in 1203 of the Ecréhous Islets by name to the Abbey of Val-Richer⁴. This latter grant contained a condition whereby the Abbey was to build a church at the Ecréhous, where prayers would be said for the illustrious King of England who had nominated Piers as Lord of the Islands.

126. The fact that Piers des Préaux recited in his grant to the Abbey of Val-Richer that King John of England had given him the Islands (*insulas mihi dedit*) shews that Piers considered that King John's grant to him of the Island of Jersey (see paragraph 125, above), included the Ecréhous Islets. So entirely were these adjacent Ecréhous Islets considered as necessarily included in the grant of the larger Island of Jersey that Piers' title to the Ecréhous, and the only title he could confer by subinfeudation (*i.e.*, by sub-grant of property which he held as feudal tenant of an overlord) in 1203, was derived from the grant of 1200 by King John.

127. The Channel Islands were held by Piers in precisely the same way as the 60 pounds' (sterling) worth of land in England, granted to him by King John at the same time and by the same charter. M. Dupont, the French antiquary and author of the well-known history, *Histoire du Cotentin et de ses Iles*, designates this Charter of King John as a "*Donation des Iles du Cotentin par Jean-*

¹ Charter Roll, 1 John, m. 28. See Annex A 8.

² Alton is in the County of Southampton.

³ Charter Roll, 2 John, m. 29. See Annexes A 9 and 10.

⁴ *Gallia Christiana* (1759), xi, col. 94, No. XXXII (*Instrumenta*). See Annex A 7. Val-Richer is in Normandy.

sans-Terre à Pierre de Préaux"¹, and recognizes that the Ecréhous Islets were included in King John's Charter of 1200.

128. The next reference to the Ecréhous is in an Assize Roll of 1309, which records the judicial proceedings of the sittings of English Judges (Justices Itinerant) in Jersey². Doubtless in pursuance of the grant made by Piers des Préaux, the Abbey of Val-Richer had established a Priory on one of the Islets (now known as Maître Ile), and in this year the Abbot was summoned before these Justices to say by what warrant (*quo warranto*)³ he held the advowson (*i.e.*, a right of property entitling the owner to present to an ecclesiastical office) and certain endowments⁴ of this Priory.

129. The fact that the Abbot was required to answer for the advowson of the Priory establishes that the King of England and the Justices believed the Ecréhous to be part of the King's territory: had it been otherwise, the Justices would have had *no jurisdiction*. And it raises a probability that, in the opinion of the King's advisers, any right which the Abbot might have in the Ecréhous was held directly of the King: the King claimed the advowson as his right, thus asserting that, unless the Abbot could shew title to it, it belonged to the King. In the absence of evidence to the contrary, the advowson of a church belonged to the owner of the land on which the church stood; the King was therefore asserting, not merely that he was the lord of whom the Ecréhous were held, but further that, unless the Abbot could shew title, he (the King) was the immediate lord of the Islets. This assertion can only mean that

¹ Dupont, i. 489 (No. 43 of *Pièces Justificatives*).

² Assize Roll, 2 Edw. II, m. 36. See Annex A 12. For an explanation of the term "Justice Itinerant", see paragraph 27, note 6, above.

³ These proceedings are recorded on the Assize Roll cited in the preceding note², under the title *Placita de Quo Warranto* (Pleas of *Quo Warranto*). Some explanation of the term *quo warranto* is desirable. Writs asking the question *Quo Warranto* (by what warrant) had issued out of the English Chancery (*i.e.*, the royal office for the issue of writs authorizing process in the King's Courts) since the end of the 12th century; and in the course of the 13th century they came to be used particularly, though not exclusively, when the King was questioning the right of a subject to exercise a liberty or franchise (*i.e.*, a special privilege which only the King could grant). The hypothesis was that liberties or franchises were rights exclusively at the disposal of the King, and that, if a subject claimed to exercise one, he must shew in what way he had obtained this right from the King. Much use was made of the writ for this purpose by King Edward I of England (1272-1307). As it was postulated that the right in question must *prima facie* belong to the King, the defendant was in a sense also plaintiff, since the burden of proof lay upon him; and for this reason there were objections to any extension of the scope of the writ. An advowson was not a liberty or franchise, but under feudal law a proprietary right which could be owned by any landowner (including the King). In fact, in the proceedings under discussion, the *quo warranto* formula was not applied to the advowson, but only to one of the endowments: the formula used in connexion with the advowson was that of the ordinary proprietary writ, the process by which any English subject could start proceedings relating to the ownership of land.

⁴ The endowments were in Jersey, and the proceedings in relation to them prove nothing as to the status of the Ecréhous.

the Ecréhous had always been part of the demesne of the Crown in the Channel Islands, and that, though they might be included in grants to Wardens¹ like Piers, when such grants determined, the Islets reverted to the demesne of the Crown. What happened, in short, was that the King's advisers, finding a church on land which they believed to be part of the King's own demesne, claimed the advowson. The Abbot, as appears from what has been said above, could in fact have produced a sufficient answer to this claim. He could have shewn that Piers had, while Lord of the Islands, granted the Islets to him to hold by way of subinfeudation (*i.e.*, the Abbot held of Piers who in turn held of the King); and that, while the mesne tenure of Piers as holding direct from the King had disappeared when Piers ceased to be Lord of the Islands, this would not have destroyed the Abbot's title, but merely left him as the King's tenant-in-chief. As tenant of the Islets in demesne, the Abbot was *prima facie* owner of the advowson. The Abbot, however, did not take this course; but instead, through his procurator, the Prior, said that he was unwilling to exert himself for his rights ("*non vult Laborare pro eadem*"). The reason for his unwillingness to do so was (as the Prior himself declared) that the Priory was of little value. The decision given, however, was that the Abbot should continue to hold the property at the King's pleasure. The reason for the decision probably was that Jerseymen considered as valuable the maintenance of a light in the church at the Ecréhous to guide mariners².

130. In the submission of the United Kingdom Government, the fact that the Abbot was required to answer before the King's Justices for the advowson of the Priory, and that these Justices decided that the property was to be held at the King's pleasure, shews that the Ecréhous were part of the territory of the King of England.

131. The Assize Roll which records the proceedings in 1309 also shews that Jerseymen occasionally frequented the Ecréhous Islets³ at this time, and tells a sad story of how a large number were drowned while returning from gathering wreck of the sea (*wreccum*) on the Islets. A later mention of the Ecréhous occurs on the Patent Roll in 1337⁴, and shews that in that year, shortly before the outbreak of the Hundred Years' War, the King of England granted letters of protection to the Prior, together with the Priors of the various other religious houses in Jersey and Guernsey. The entry on the Roll refers to "*Acrehowe de Insula de Iereseye*" ("Ecréhous of the Island of Jersey") (see paragraph 48, above), and provides further evidence of the dependence of the Ecréhous on Jersey.

¹ For a definition of this office, see paragraph 23 (p. 31), note 1.

² Assize Roll, 2 Edw. II, m. 36. See Annex A 12.

³ *ibid.*, 2 Edw. II, m. 48*d*. See Annex A 79.

⁴ Patent Roll, 11 Edw. III, pt. 2, m. 9. See Annex A 17.

132. Lastly, with reference to the question of Ancient Title, the Court's attention is drawn to the Treaty of Calais (commonly referred to as the Treaty of Brétigny), concluded between the Kings of England and France (Edward III and John II, respectively), on the 24th October, 1360, and ratified on the same day¹. The sixth Article of this Treaty provided that the King of England should have all the Islands adjacent to the lands, countries and places previously named in the Treaty, together with all the Islands which he then held. The first five Articles mention a large number of lands, countries and places, but none of them so placed that the Channel Islands could be said to be adjacent. The Government of the United Kingdom, therefore, rely upon the concluding phrase of the sixth Article (*i.e.*, "together with all other Islands which the said King of England [Edward III] now holds"), and say that the Channel Islands and the Ecréhous as part of them were, at the date of the Treaty of Calais, held by the English King. The presumption that it was so is a strong one since, as has been shewn, the Ecréhous group was held by the English Crown in 1203, and was still so held in 1337.

133. The medieval evidence referred to in the preceding paragraphs of this Section which contains specific mention of the Ecréhous as belonging to the English Crown thus covers the period 1200 to 1337.

134. Only one further reference to the Ecréhous between 1337 and the early 16th century has so far been found, *i.e.*, a list of the endowments of the Priory of Ecréhous². A possible explanation of this absence of information is that the Ecréhous Priory was one of the alien priories included in the sequestration by Henry V, in 1413, of all alien priories within his realm, as a result of which many of them fell into ruin.

General Acts Manifesting Sovereignty

Parochial Authority

135. There is evidence to shew that, for well over a century, the Ecréhous have been treated, for administrative purposes, as forming part of the Parish of St. Martin in the Island of Jersey. It is impossible to establish by documentary evidence how this position arose, but there can be little doubt that it flowed naturally from the fact that all the Jersey fishermen habitually making use of the Ecréhous came from Rozel in the Parish of St. Martin, and that they would therefore report to the Constable (*i.e.*, Mayor) of that Parish any matters concerning the Islets which required action on his part. Evidence regarding the exercise of this parochial authority can be classified under two headings, namely, *Police* and *Rating*.

¹ Treaty Roll, 34 Edw. III, pt. 4, m. 2. See Annex A 2.

² See paragraph 49, above, and Annex A 18.

136. (a) *Police*.—(i) An example of action taken by the Police of the Parish of St. Martin is the prosecution of one, George Romeril, in 1826, before the Royal Court of Jersey¹. Romeril was alleged to have committed an attempt against the life of a certain John McGras by shooting him with a pistol or other kind of firearm at the Ecréhous. He surrendered himself to the Constable of St. Martin, who, in his capacity as chief of police in that Parish and because the Ecréhous fell within his jurisdiction, imprisoned Romeril, reported the matter to the Attorney-General of Jersey, and proceeded to make investigations. Romeril was later committed for trial and granted bail. As the records do not contain any further reference to his prosecution, it seems probable that he absconded.

(ii) A further example of the exercise of authority at the Ecréhous by the Police of the Parish of St. Martin is found in a notice, reproduced by Charles Frémine, a Frenchman, in his pamphlet, *Le Roi des Écrehou*, written at Carteret in August, 1884, as having been seen by him posted up on a rock on Marmotière, in the Ecréhous group. This reads as follows :

“Messieurs les pêcheurs
qui fréquentent les
Écréhos sont priés
de ne pas déposer d'immondices
au-dessus du plein de Mars.

Signé : LEMPRIÈRE
Connétable de Saint-Martin.
DE QUELLEVILLE.²

(iii) Yet another example of the exercise of authority at the Ecréhous by the Police of the Parish of St. Martin is to be found in the fact that, whenever a person has died at the Ecréhous in circumstances requiring an Inquest (see paragraph 137, below), the police investigations have been conducted by the Honorary Police of the Parish of St. Martin.

(b) *Rating*.—Some of the houses on these Ecréhous Islets have been regularly assessed for the purposes of parochial rates in the Parish of St. Martin, a fact which furnishes additional evidence that the Islets were deemed to be within that Parish. In the year 1889, that is to say, in the year following the enactment of the Insular Law relating to parochial rating, three owners were rated in respect of four houses, and, in the year 1950, six owners were

¹ Rôles de la Cour Royale de l'Île de Jersey, 27 Mai et 17 Juin 1826. See Annex A 80.

² C. Frémine, *Le Roi des Écrehou* (Paris, 1886), p. 14. See also Annex C 12, shewing on Marmotière a building with a granite lintel inscribed "1882 St MARTIN . . . JERSEY", further evidence that the Islet was within the parish of St. Martin in Jersey.

rated in respect of six houses¹. Rates were levied on properties at the Ecréhous in every intervening year with the exception of the period of the German occupation during the Second World War.

An example of a rating schedule for 1889 is that assessing the properties of the Rev. William Lemprière, resident of the Parish of St. Martin². He is described as owner of a "Maison aux Echréos". Similarly in 1950, J. C. Becquet, of this same Parish, is assessed by the parochial authorities in respect of "Une maison aux Ecrehos"³. Others paying rates in 1950 were Baron Trent of Nottingham, Major R. J. B. Bolitho, the heirs of Mrs. Yvonne Riley, and Messrs. J. T. Becquet and E. P. Billot.

Inquests

137. The Law of Jersey requires that an Inquest conducted by Her Majesty's Viscount be held in order to determine the cause of death where a doctor is unable to issue a certificate, or where it is caused by accident. This Law has been followed in the case of the Ecréhous, as if they formed part of the Island of Jersey itself. During this century such Inquests have been held to inquire into the cause of death in the following cases:

(a) On the 21st December, 1917, when a body had been found on the 11th November, 1917, at the Ecréhous⁴. The verdict found recorded the fact that, owing to the decomposition of the remains and absence of any other evidence, it was impossible to establish identity or cause of death.

(b) On the 19th July, 1948, when Mrs. Yvonne Riley (*née* Lemprière) had been drowned between Marmotière and Maître Ile⁵. The verdict found recorded that this lady was accidentally drowned near the Ecréhous on the 5th July, 1948, when a punt in which she was returning to her yacht, which was moored off shore, filled and sank.

Customs

138.—(a) Customs Authority over the Ecréhous has been exercised for nearly a century. In 1884, the Assembly of the Governor, Bailiff and Jurats, as the Customs Authority of the Island of Jersey purchased by formal contract a house on Marmotière, one of the Islets, from a Jerseyman, Henry Charles Bertram⁶. The contract describes Marmotière as "un des Îlots/*sic*/ dit 'Ecrehos' dépendant de la paroisse de S^t Martin en cette île

¹ Affidavit of Henry Ahier, Constable of the Parish of St. Martin, 30th April, 1951. See Annex A 81. Copies of Rating Schedules for the years 1889 and 1950 are also reproduced in Annexes A 82 and A 83.

² See Annex A 82.

³ See Annex A 83.

⁴ Rôles de la Cour Royale de l'Île de Jersey, 22 Décembre, 1917. See Annex A 84.

⁵ *Ibid.*, 19 Juillet, 1948. See Annex A 85.

⁶ Registre Public de l'Île de Jersey, Livre 287, folio 81. See Annex A 86.

[Jersey]". The building itself, which stands to this day, was converted into a Custom House, and a granite plaque bearing the Arms of Jersey was affixed to one of the walls¹.

(b) M. Frémine refers in his pamphlet, *Le Roi des Écrehou*, to an unfinished notice which was being painted at the time of his visit to the Ecréhous in 1884 on the wall of one of the houses on Marmotière. The notice reads as follows :

"Au nom de
Dieu et la Religion
Amen.
L'an mil huit cent 81
Le 24^e jour de novembre
à l'assemblée du gouverneur
bailli et jurés
présents
Lieutenant-général Lothian Nicholson
....." 2

As the Assembly of the Governor, Bailiff and Jurats was at that time the Customs Authority in Jersey, it is to be inferred that this notice related to the Customs Administration.

(c) There is evidence to shew that, between 1850 and 1895, it was the practice of an official of Her Majesty's Customs in Jersey to visit the Ecréhous from time to time. For these visits, there were at least two reasons: (i) to endorse the certificate of the licensed fishing boat belonging to Philippe Pinel (see paragraph 150, below), a Jerseyman locally known as *Le Roi des Ecréhous*, and (ii) to investigate whether the Ecréhous were being used by Pinel or others for smuggling purposes. As regards (i), the following information has been extracted from the Register of Her Majesty's Customs and Excise in Jersey. In pursuance of the provisions of the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45) Philippe Pinel, Master, caused to be registered on the 23rd April, 1872, the cutter *John* belonging to "Rozel Ecrehos Rocks"³. The registration number, 164, in the 2nd class, was given to the boat. The tonnage was stated to be one, the length 13 feet, the number of crew, one, and the ordinary mode of fishing was classed as "Lobster". On the 27th February, 1882, the relevant entry was cancelled with the endorsement "Not used for Fishing".

Census

139. The Ecréhous Islets have been included by the Jersey authorities within the scope of their Census enumerations. An

¹ See Annex C 3.

² Frémine, *op. cit.*, p. 14.

³ See Annex A 87.

example of such an enumeration is that of 1901¹, when the "Islets of Ecréhou, dependencies of Rozel Vingtaine [*i.e.*, a division of the Parish of St. Martin in Jersey]" were visited by an official enumerator. The return records that there were two small houses on Blanc Ile, nine on Marmottière [*sic*] and two on Maître Ile. A John Mollet is given as the "Head of Family".

Grant of Leases by the Crown relating to the Ecréhous

140. In 1923 there was a clear exercise of sovereignty on the part of the United Kingdom when the Crown, acting through the Lords Commissioners of His Majesty's Treasury and His Majesty's Receiver General in Jersey, granted a lease of Maîtresse Ile (now usually called Maître Ile) for a period of 25 years to Sir Jesse Boot, Bart. (afterwards Baron Trent of Nottingham)². In the words of the contract itself, Sir Jesse Boot "a Sollicité des Lords Commissaires de la Trésorerie de Sa Majesté un bail à termage [a lease for a specified period] de la dite Ile et que sa prière a été favorablement accueillie...." Under the lease he promised to preserve the ruins of the ancient Priory on Maîtresse Ile. Yet again, in 1948, a further lease was granted by the Crown to the second Baron Trent³, and the contract was drawn up in similar terms.

Other Contracts relating to Real Property at the Ecréhous

141. In addition to the above-mentioned Crown Leases, there are a number of contracts and other transactions, between Jersey residents, or between them and Jersey public authorities, involving real property at the Ecréhous, which were (and still are) passed before the Royal Court of Jersey and registered in the Public Registry of Deeds of the Island. This is the normal practice in regard to real property in Jersey, although it has not invariably been followed in the case of houses at the Ecréhous. It is noteworthy that, in most of these contracts, the Ecréhous are described as "dépendant" on the Parish of St. Martin, and situated on the "Fief de Sa Majesté". Moreover, these contracts, as is usual in deeds relating to real property in Jersey itself, impose upon the purchaser an obligation in respect of the payment of seigniorial dues (*i.e.*, the liability of the tenant to his feudal landlord). Examples of these contracts and transactions are to be found in 1863⁴, when C. Gallichan sold a house and its appurtenances and land to J. Le Bailly; in 1881⁵, when L. Godfray sold to H. C. Bertram a building, the contract for which describes the Ecréhous as "attenant à et dépendant de la paroisse de Saint-Martin en cette île [*i.e.*, Jersey], sur le Fief de Sa Majesté...."; and in 1884⁶, when, as is

¹ See Annex A 88.

² Registre Public de l'Île de Jersey, Livre 391, folio 161. See Annex A 89.

³ *Ibid.*, Livre 449A, folios 197-8. See Annex A 90.

⁴ *Ibid.*, Livre 231, folio 8. See Annex A 91.

⁵ *Ibid.*, Livre 276, folio 201. See Annex A 92.

⁶ *Ibid.*, Livre 287, folio 81. See Annex A 86.

noted in sub-paragraph (a) of paragraph 138, above, the Jersey authorities purchased a building, which was later converted into a Custom House. Several other contracts were made in the 20th Century, even as recently as 1947¹, when one involved three properties on Marmotière; these properties are described as situated "aux Iles des Ecréhous en la Paroisse de St. Martin, sur le Fief du Roi...."

Official Constructions, &c., and Visits

142 (a) The Jersey authorities have from time to time erected signal posts and provided various facilities for the benefit of Jersey fishermen. At least as early as 1893 there was a flagstaff on Marmotière, from which the British flag was flown². It was found necessary to replace this mast about 1909; and, on the 28th January, 1910, the Piers and Harbours Committee of the States of Jersey obtained permission from the Crown to establish a signal post on the southernmost part of Marmotière³, and a flagstaff was duly erected at that point. This, in turn, was replaced by a new flagstaff in 1950⁴. There is also evidence of a flagstaff on Maître Ile of the Ecréhous in 1907, on which the British flag was hoisted⁵.

(b) Secondly, in 1895, a slipway was constructed at Marmotière to facilitate the access of fishermen to that Islet; it was repaired on the authority of the Jersey Piers and Harbours Committee in 1906⁶, and has ever since been maintained by the States. Although it has not at any time been deemed necessary to erect any navigational buoys or beacons, a mooring-buoy was placed in 1939 in a position to the south of Marmotière, some half-cable's length from the landing rocks, and was replaced in the same position in 1947⁷.

(c) It has also been the practice of the various Insular Authorities, which have from time to time been concerned with Customs, with Harbours, with Fishing, etc., that is to say, the Assembly of the Governor, Bailiff and Jurats, and the Finance Committee and the Piers and Harbours Committee of the States of Jersey, to make visits to the Ecréhous. Official records shew one to have been made as early as 1885, and they have been carried out with some frequency⁸ ever since. It was at first customary during some of these

¹ *Ibid.*, Livre 446c, folio 57. See Annex A 93.

² Acte de l'Assemblée du Gouverneur, Bailli et Jurés, 28 Juin, 1893. See Annex A 94.

³ Acte du Comité des Havres et Chaussées, 5 Février, 1910. See Annex A 95.

⁴ See Annex C 5.

⁵ Acte du Comité des Havres et Chaussées, 15 Avril, 1907. See Annex A 96.

⁶ Acte du Comité des Havres et Chaussées, 13 Octobre, 1906. See Annex A 97.

⁷ Affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951, paragraph (IV). See Annex A 98.

⁸ Certificate of F. de L. Bois, Greffier of the States of Jersey. See Annex A 99. Other official visits have taken place, which are not recorded, as, for example, that of the 31st July, 1893. See Annex C 13.

visits to hoist the Red Ensign¹. Later by an Act of the 15th April, 1907, the Piers and Harbours Committee decided that the Union Jack should be hoisted instead (see sub-paragraph (a), above). The Lieutenant-Governor of Jersey frequently accompanied those parties in the past, as the present Lieutenant-Governor is wont to do to-day².

Evidence of Habitable Buildings at the Ecréhous

143. Further support of the United Kingdom's claim to sovereignty is to be found in the ownership and occupation by Jerseymen of houses at the Ecréhous. At the present time there are some 15 habitable houses there, disposed as follows³:

(a) On Blanc Ile. One house belonging to an Englishman (Major R. J. B. Bolitho) living in Jersey. There are also to be found on this Islet the ruins of the old stone hut bearing the date 1820⁴ in which Philippe Pinel lived, and of the other stone huts which are referred to by Captain White, R.N., who surveyed the Channel Islands and the French Coast over a number of years from 1812 (see sub-paragraph (a) of paragraph 144, below).

(b) On Marmotière. Thirteen houses, one of them (the Custom House) belonging to the States of Jersey and the others to Jersey residents. There are also the ruins here of four other huts⁵.

(c) On Maître Ile. One house belonging to Baron Trent. Some ruins of the ancient Priory are also to be seen⁶. Many of the houses previously referred to (with the exception of the house on Blanc Ile, which was constructed about 1930) are presumably the survivors of the huts which were observed by Captain White in 1823 (see sub-paragraph (a) of paragraph 144, below), and are mentioned in a brochure called *The Ecréhous* which was printed in Jersey in 1884, and illustrated by the well-known artist, P. J. Oules. The huts have always been owned by Jerseymen or Jersey residents of British birth, and in some cases it is possible to trace back the title of the present owners for a considerable period (see paragraph 141, above).

144. (a) The Captain White referred to in the preceding paragraph was Captain Martin White, R.N., who, on instructions from the British Admiralty, surveyed the English, Irish and Bristol Channels from 1812 to 1828⁷. Captain White records that he was at Maître

¹ Acte de l'Assemblée du Gouverneur, Bailli et Jurés, 28 Juin, 1893. See Annex A 94.

² Affidavit of Brigadier R. M. H. Lewis, Secretary to the Government in the Island of Jersey, 20th August, 1951. See Annex A 100.

³ Affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951, paragraph (II). See Annex A 98.

⁴ See Annex C 11.

⁵ See Annexes C 1, 4, 5.

⁶ See Annex C 2.

⁷ L. S. Dawson, *Memoirs of Hydrography*, Pt. I. (1750-1830), p. 52.

Ile of the Ecréhous in May, 1813¹. On a chart² of the Ecréhous drawn by him, some time before 1823, huts are shewn on all three Islets thereof, *i.e.*, Blanc Ile, Marmotière, and Maître Ile. Three are shewn on Blanc Ile, one of which must have been the hut bearing the date 1820, mentioned in sub-paragraph (a) of the preceding paragraph. The actual number on Marmotière and Maître Ile cannot be identified on the chart, but Captain White wrote a note thereon, the relevant part of which reads as follows :

“... There are 5 or 6 huts on the Maitre Isle[*sic*], & about twice that number on the Marmotier[*sic*], belonging to Inhabitants of Jersey, who occasionally resort thereto during the Fishing & Vraching [gathering of seaweed] seasons. These 2 latter will also afford occasional shelter to small Boats & their crews, against the inclemency of the Weather, in which case they should be beached & hove up. There is however neither Fuel, sustenance or Fresh water (except rain water in ^e cavities of ^e rocks) on either”.

(b) In the brochure, *The Ecréhous*, referred to in sub-paragraph (c) of paragraph 143, above, the names of Jersey owners of houses on the Ecréhous are given, which approximate closely with the number of houses mentioned in Captain Martin White's written note of 1823.

(c) Lastly, a letter written in 1846 to the Lieutenant-Governor of Jersey by W. Le Couteur, then Her Majesty's Viscount in Jersey, gives particulars of houses on Maître Ile, owned by inhabitants of Jersey, one of which was then at least twenty years old³.

Acts Specifically Relating to Fishing

145. There is evidence to shew :

(a) that Jerseymen were already fishing and gathering *vraic* at the Ecréhous during the 17th century ;

(b) that the Ecréhous have continued to be regularly fished by Jerseymen from that time right up to the present, except during the years of German Occupation of Jersey (1940-1945) when such fishing was prohibited by the Occupying Authority⁴, and that several of those fishermen have owned, and do own, huts at the Ecréhous, in which they have from time to time lived during the long summer fishing season : one of these fishermen, moreover,

¹ “Rough Remarks for the Survey of the Islands of Jersey, Guernsey, Alderney, Sercq and Coast of France ; undertaken in the Year 1812, by Capt. M. White, Royal Navy ; by Order of The Right Honorable The Lords Commissioners of the Admiralty”. MS. 542A, p. 105. (Hydrographic Dept., Admiralty, London.)

² “An Orometric Survey of The Ecrehoe Rocks” : *ibid.*, p. 41.

³ See Annex A 101.

⁴ Orders of the Commandant of the German Forces in Occupation of the Island of Jersey. (2nd July, 1940), paragraph 8. See Annex A 102.

lived at the Ecréhous permanently between approximately 1850 and 1895 ;

(c) that the States of Jersey have consistently acted in support of the fishing rights of Jerseymen at the Ecréhous and have also, by the construction and maintenance there of a slipway (see sub-paragraph (b) of paragraph 142, above), designed to facilitate access to Marmotière and by the provision of emergency stores and supplies for the use of fishermen and of shipwrecked mariners, sought to encourage and foster the fishing by Jerseymen of the waters of the Ecréhous.

146. In 1682 Lieutenant-Bailiff Jean Poingdestre, a Jersey constitutional lawyer and historian, in his work, *Cæsarea or A Discourse of the Island of Jersey*, wrote that :

“The small Islot of Ekerho [Ecréhous] had anciently a small Priory belonging to Jersey, & endowed from thence ; the Ruines whereof remaine to this day ; which serue in rainy weather for a shelter to such as goe theither to fish or fetch Vraic [seaweed] ; the place affording nothing besides, & being of noe vse at all¹”.

The fishermen and vraichers [or gatherers of seaweed to whom Poingdestre was referring in this history of Jersey must have been Jerseymen. In support of this it may be noted that, on a chart of the Ecréhous made before 1823 by Captain Martin White, R.N. (see sub-paragraph (a) of paragraph 144, above), he observes, in his survey, *inter alia*, in relation to the huts on the Ecréhous, that they belong to “Inhabitants of Jersey, who occasionally resort thereto during the Fishing & Vraching seasons.”

147. In 1883, the States of Jersey, having received from fishermen and landowners living on the east coast of Jersey, who regularly fished the Ecréhous, a petition² complaining that French fishermen had, for some years, embarked upon illegal fishing activities at the Ecréhous, resolved³ to pray the Privy Council in London to take the matter into consideration, and appointed a special Committee to prepare a formal Petition in that behalf. The Act, which described the Ecréhous as “appartenant et dépendant de la Paroisse de St. Martin en la dite Île de Jersey,” recited that the illegal conduct of the French fishermen was causing substantial damage to Jersey fishermen and that, unless the Fishery Convention of 1839 were observed, there was a grave risk that quarrels would break out between fishermen of the two nations, a state of affairs which would produce unhappy consequences for both countries.

148. The Committee acted with great expedition ; and, on the 21st May, 1883⁴, the States, approving the Humble Petition which

¹ *Cæsarea or A Discourse of the Island of Jersey* (Société Jersiaise, 10th Pubn.), p. 99.

² *Pétition d'un Grand Nombre de Pêcheurs et Autres* (&c.) (Jersey, 1883). See Annex A 37.

³ Acte des Etats de l'Île de Jersey, 7 Mai, 1883. See Annex A 103.

⁴ *Ibid.*, 21 Mai, 1883. See Annex A 104.

had been prepared, appointed a delegation to wait upon the Privy Council in support thereof. On the 11th July, 1883, the Committee upon their return from London, reported upon their mission to the States, who recorded their approval¹. As a result of the representations of the States, a formal Note was addressed by the British Secretary of State for Foreign Affairs, Lord Granville, to the French Ambassador at the Court of St. James, M. Waddington (see paragraphs 90 and 91, above)².

149. Jersey fishermen, who are to-day fishing the Ecréhous, are able to remember the names of members of their families, and of other men, who have fished the Ecréhous as their sole occupation from *circa* 1840 right down to the present day³. Until very recent times, when the advent of the motor fishing boat has made it possible for fishermen to proceed to the Ecréhous to fish by day and to return to their homes at Rozel at night to sleep, the practice was for them to proceed to the Ecréhous, rowing or sailing as conditions of wind and tide dictated, and to stay there for several days or the inside of a week, returning to their homes, during the busy summer season, merely for week-ends.

150. During this period, a Jersey fisherman, Philippe Pinel (see sub-paragraph (c) of paragraph 138, above), who was known as *Le Roi des Ecréhous*, lived at the Ecréhous. Pinel first settled on Maître Ile^{3*} in May, 1850, when he was 30 years of age. He remained there two summers, wintering in Jersey. He, with his wife, then took up his permanent residence at the Ecréhous and, making use of the ruins of old huts, they built a dwelling in which they lived together for many years. Pinel lived by lobster fishing, by burning *vraic* (seaweed) for fertiliser and by making crab and lobster pots. He had a small garden, a dog and a few fowls. He caused to be presented to Queen Victoria baskets of his making, and the Queen, in return, gave him a blue serge coat. In or about 1882, Pinel's wife returned to Jersey, but he continued to live alone on the Ecréhous until approximately 1895⁴.

151. It would not appear that any attempt was made, between 1883 and 1926, by French fishermen to fish the Ecréhous; about the latter year they made attempts to fish with pots in the manner of the Jersey fishermen. The Jersey fishermen dumped the Frenchmen's gear and reported the matter to the States. The Frenchmen departed, and did not resume their activities until about 1938, when

¹ *Ibid.*, 11 Juillet, 1883. See Annex A 405.

² See Annex A 40.

³ Affidavit of J. T. Becquet, Ecréhous fisherman, 28th April, 1951. See Annexes A 106 and C 14.

^{3*} Maître Ile is inaccurate: it should have read Blanc Ile. See United Kingdom Reply, page 424, note 1.

⁴ C. Frémine, *Le Roi des Ecrehou*, p. 8-11, and local tradition.

they began to attempt a certain amount of low-water fishing (without pots) ¹.

152. During the period of the German Occupation, Jersey fishermen were prevented by the Germans from fishing the Ecréhous (see sub-paragraph (b) of paragraph 145, above), and it is understood that French fishermen were also kept away from the area. Immediately after the Liberation of the Island of Jersey, on the 9th May, 1945, the Rozel fishermen resumed their traditional fishing at the Ecréhous and they have continued to do so right up to the present time, four Jersey men being thus engaged upon a whole-time basis. Since the Liberation, French fishermen have resumed sporadically the low-water fishing at the Ecréhous, which they began shortly before the War.

SECTION B.—THE MINQUIERS

Ancient Title

153. There are no known records of proceedings in the Courts of Jersey as early as the 14th century which relate to title to property in the Minquiers, as has been seen to be the case with the Ecréhous (see paragraphs 125 to 130 inclusive, above). There is, however, some evidence in early 17th century manor court rolls. Moreover, there are certain assumptions which apply to both groups of Islets (see paragraph 156, below).

154. To deal first with the proceedings in the 17th century. There are certain pleas in the Seigniorial Court (*i.e.*, the court of the feudal lord of the manor) of Noirmont in Jersey (see paragraph 51, above). From the Rolls of that Court there have been extracted three entries, one in each of the years 1615, 1616 and 1617 ²: each entry relates to the removal of wreck from the Minquiers in derogation of the feudal rights of the lord of the manor. The extract, dated the 11th June, 1617, shews that three defendants were required to appear at the next session of the Seigniorial Court of Noirmont or in the *Cour Supérieure* (*i.e.*, the Royal Court of Jersey), which still sits to the present day. The Fief of Noirmont was in 1616-17 in the King's hands ³, and so it cannot be said whether the right of wreck

¹ Affidavit of J. T. Becquet, Ecréhous fisherman, 28th April, 1951. See Annex A 106.

² Rôles de la Cour du Fief et Seigneurie de Noirmont (*penes* Mrs. C. M. de Gruchy, widow of G. F. B. de Gruchy, late Seigneur de Noirmont). See Annex 20.

³ *Société Jersiaise Bulletin Annuel*, x. 238; vi. 180, note (1), 461. "During the period under review [*i.e.*, Edward VI to Charles I] the fief was in the King's hands, but it was not merged with the Crown fiefs and it retained its full autonomy, the rolls mentioning 'le Seigneur de ce feu' without any indication that the Crown was meant." [*Ibid.*, p. 238.] In 1643 King Charles I of England granted by patent to Sir George de Carteret the fiefs and manors of Melesches, Grainville and Noirmont to hold "of us and our heirs and successors *in capite* by knight's service." [*Ibid.* vi. 462.]

was claimed by the King as Seigneur of the Fief or as part of his general prerogative of wreck, which was confirmed by Section 13 of the Statute *de Prerogativa Regis, circa 1330*¹. It is immaterial to decide this: in either case the King of England was exercising jurisdiction in one of his courts over the Minquiers.

155. At the end of the 17th century this question of the right of wreck again figured in the Royal Court of Jersey. Deborah Dumaresq, guardian of her son, the Seigneur of the Fief of Samarès, contested the right of the English Crown to claim wreck at the Minquiers. On the 6th August, 1692, the Court recorded a judgement in favour of the King's Procurator (Attorney-General) and the King's Receiver of Revenues. Subsequently, Deborah Dumaresq was given leave, on the 6th November, 1692, by the King's Privy Council to appeal against the judgement, and a summons was issued, requiring the attendance before the King's Council, of the King's Procurator and King's Receiver of Revenues of Jersey to answer the appeal².

156. Reverting to the assumptions referred to in paragraph 153, above, the Minquiers, like the Ecréhous, formed part of the Duchy of Normandy and, therefore, belonged to the English King (John) as Duke of Normandy at the time of the conquest of Normandy by King Philip Augustus of France (see paragraphs 23 to 25 inclusive, 45, 123 and 124, above). The French conquest related only to the mainland. The Channel Islands, including at this date (1204) the Minquiers, remained in the hands of King John. Until the contrary is proved, this state of affairs must be presumed to have continued. It has been so presumed right down to the present day in the case of the larger Channel Islands. Accordingly, it is asserted that, in 1360, the date of the Treaty of Calais (Brétigny), the English Crown held the Minquiers, as has been shewn in the case of the Ecréhous (see paragraph 132, above).

157. Presumptions based on events which took place centuries ago may well be challenged, if they cannot be reinforced by more recent events, which can only be explained as resulting from the exercise of sovereignty. In this case there is the evidence of such exercise by the King of England in the 17th century, which has been described in paragraphs 154 and 155, above. This forms a link with the continuous series of modern acts evidencing a display of sovereignty, which are described in the following paragraphs. Since there are grounds for believing that the King of England acquired sovereignty at a much earlier period, the presumption of rightful origin operates to strengthen that belief.

¹ "Item habet Warectum maris per totum regnum, Wallenas et sturgiones captos in mari vel alibi infra regnum, exceptis quibusdam locis privilegiatis per Regem". ("Also he [the King] has wreck of the sea throughout the whole realm, whales and sturgeon taken in the sea or elsewhere within the realm, except in such places which are privileged by the King"). (*Statutes of the Realm*, i. 226).

² See Annexes A 21 and A 22.

General Acts Manifesting Sovereignty

Parochial Authority

158. The Minquiers, according to local tradition, have always been treated for the purposes of general administration as part of the Parish of Grouville in the Island of Jersey¹. It is impossible to establish by documentary evidence how this position arose, but there can be little doubt that it flowed naturally from the fact that the majority of Jersey fishermen, habitually making use of the Minquiers, came from La Rocque in the Parish of Grouville, and that they would therefore report to the Constable (*i.e.*, Mayor) of that Parish any matters concerning the Islets which required action on his part. The case of the Minquiers is in this respect thus parallel to that which has been shewn to exist in regard to the Ecréhous. Evidence regarding the exercise of Parochial Authority can, as with the Ecréhous, be classified under two headings, namely, *Police* and *Rating*.

159. (a) *Police*.—Matters of Police within a parish are the responsibility of the Constable as head of the Honorary Police of the parish; and, whenever a person has died at the Minquiers in circumstances requiring an Inquest (see paragraph 160, below), the police investigations have been conducted by the *Honorary Police of the Parish of Grouville*.

(b) *Rating*.—The destruction or loss of some of the records of the Parish of Grouville makes it impossible to prove when properties at the Minquiers were first assessed for rates in that Parish. Nevertheless, it is certain that the practice originated many years ago, and has been maintained without interruption, except during the German Occupation of 1940-1945, to the present day. This practice is described in the affidavits of S. England¹, Constable of the Parish of Grouville; T. J. Bree², Jurat of the Royal Court of Jersey; and W. S. Le Masurier³, former Deputy of the States of Jersey. Rating schedules in respect of property at the Minquiers have been issued, when necessary, by the Parish of Grouville. One example⁴ of these is that of 1939, recording the assessment of two huts on the Minquiers (Maitresse Ile) owned by O. P. Hamon. They are described respectively as "One Hut or Fisherman's House" and "One other as above known as 'L'hopitale'", and a remark states that "Minor Repairs" were "done by the fishermen who use these huts". A second example⁵ is the rating

¹ Affidavit of S. England, Constable of the Parish of Grouville, 5th May, 1951. See Annex A 107.

² Affidavit of T. J. Bree, Jurat of the Royal Court of Jersey, 2nd May, 1951. See Annex A 108.

³ Affidavit of W. S. Le Masurier, Solicitor and former Deputy of the States of Jersey, 4th June, 1951. See Annex A 109.

⁴ See Annex A 110.

⁵ See Annexes A 111 and C 15.

schedule of 1939 for a wooden hut, belonging to W. S. Le Masurier. Instances¹ of rating in 1950 are the assessment of Vice-Admiral Edward de Faye Renouf, C.B., C.V.O., in respect to "a certain house with the land in front" at "Maitresse Ile Les Minquiers Dependency of this Island [*i.e.*, Jersey]", and of W. S. Le Masurier for the property rated in 1939.

Inquests

160. The Law of Jersey (as has been stated in paragraph 137, above) requires that an Inquest conducted by Her Majesty's Viscount be held in order to determine the cause of death where a doctor is unable to issue a certificate, or where it is caused by accident. As in the case of the Ecréhous, this Law has been followed in that of the Minquiers, as if they formed part of the Island of Jersey itself². During this century such Inquests have been held to inquire into the cause of death in the following cases :

- (a) On the 31st August, 1938, when two skeletons, the one of a child presumed to be under 5 years of age and the other of an adult presumed to be between 20 and 30 years of age, had been found on Maitresse Ile on the 26th August, 1938, during the course of excavations³. The verdict found recorded that it had been impossible to establish the sex, cause of death or date of death which, however, it was stated, according to medical opinion, took place not less than 50 years earlier.
- (b) On the 30th March, 1948, when F. C. Hansford, aged 55 years and one month, a native of the Parish of St. Helier, had died suddenly on the 25th March, 1948, at the Minquiers, where he was fishing. The verdict found recorded that death was due to cardiac disease⁴.

Customs

161. Just as Customs Authority has been exercised over the Ecréhous (see paragraph 138, above), so has it been exercised over the Minquiers. On the 19th June, 1909, the Assembly of the Governor, Bailiff and Jurats as the Customs Authority of the Island of Jersey purchased by formal contract a house on Maitresse Ile from a Jerseyman, J. F. Le Clercq⁵. The property is described as being on the "Maitresse Ile des Minquiers dépendant de cette Ile [*i.e.*, Jersey] et du Fief de Sa Majesté", and the Island Authorities are absolved from the payment of all dues, except "Droits Seigneuriaux". This building, which stands to this day, was converted into a Custom House, and a granite plaque, bearing the Arms of Jersey,

¹ See Annexes A 112 and A 113.

² Affidavit of S. England, Constable of the Parish of Grouville. See Annex A 107.

³ Rôles de la Cour Royale de l'Ile de Jersey, 3 Septembre, 1938. See Annex A 114.

⁴ *Ibid.*, 31 Mars, 1948. See Annex A 115.

⁵ Registre Public de l'Ile de Jersey, Livre 352, folio 152. See Annex A 116.

was affixed to one of the walls¹. On the same day the same authority also purchased a plot of land adjoining the Custom House, from another Jerseyman, E. B. Renouf² which is again described as "situé sur la Maîtresse Ile des Minquiers, dépendant de cette Ile [i.e., Jersey] et du Fief de Sa Majesté...." A condition was that the purchasers "acquittent et déchargent les droits Seigneuriaux".

Census

162. As is the case with the Ecréhous Islets (see paragraph 139, above) the Minquiers have been included by the Jersey authorities within the scope of their Census enumerations.

163. In 1921 the Constable of the Parish of Grouville sent an enumerator to the Minquiers (Maîtresse Ile) for the purpose of taking the Census which was then being held throughout the British Isles³.

Contracts relating to Real Property at the Minquiers

164. Contracts of sale and of other transactions in real property in Jersey are normally passed before the Royal Court, and registered in the Public Registry of Deeds. That practice has not invariably been followed in the case of huts on Maîtresse Ile, but several transfers of property, which have been effected by sale, are duly registered in the Public Registry. As will be noted in the two examples cited in paragraph 161, above, the contracts described the Minquiers as "dépendant" on the Island of Jersey and on the "Fief de Sa Majesté"; and provision is made for purchasers to continue paying existing seignorial dues. Examples of such contracts may be found in 1896, 1909 (two), 1926, 1932, 1936 and 1937⁴. Those of 1909 (two) have been already mentioned as evidence of purchases by the States of Jersey themselves (see paragraph 161, above). That of 1937 was also a transaction to which they were a party. By it the States acquired from F. Mallet, a Minquiers fisherman, a building site and the remains of an old building, in order, as the Act of the States of the 27th October, 1937⁵ had it, to build a house for the use of shipwrecked mariners and of Jersey fishermen, who, owing to bad weather, might find themselves short of provisions, and in which to keep materials needed by the Piers and Harbours Committee in connexion with the upkeep and maintenance of the buoys and beacons at the Minquiers and in their surrounding waters. The three purchases by the States mentioned in this and

¹ See Annex C 8.

² Registre Public de l'Île de Jersey, *loc. cit.* See Annex A 117.

³ Affidavit of T. J. Bree, Jurat of the Royal Court of Jersey, 2nd May, 1951. See Annex A 108.

⁴ Registre Public de l'Île de Jersey, Livre 320, folio 55; *ibid.*, Livre 352, folio 152; *ibid.*, Livre 397, folio 185; *ibid.*, Livre 414, folio 226; *ibid.*, Livre 429A, folio 165; *ibid.*, Livre 432A, folio 139. See Annexes A 118, A 116, A 117, A 119, A 120, A 121, A 122.

⁵ Acte des Etats de l'Île de Jersey, 27 Octobre, 1937. See Annex A 123.

paragraph 161, above, were all made by means of formal contracts duly passed before the Royal Court. The States also own a third building on Maitresse Ile, traditionally known as the Bailiff's House¹. In addition, in 1946, they erected a wooden hut² for the use of Jersey fishermen frequenting the Reef.

Evidence of Official Constructions &c., and Visits

165: (a) As with the Ecréhous (see paragraph 142, above), there is evidence of official constructions in and around the Minquiers by the Jersey Authorities. The States of Jersey have always sought to encourage the fishing of the Minquiers by Jersey fishermen, and a considerable sum has been expended for this purpose³.

(b) In the year 1889⁴, the Piers and Harbours Committee of the States of Jersey passed an Act giving instructions for the erection of a flagstaff on Maitresse Ile of the Minquiers. These were not apparently carried out, and therefore the Committee passed a second Act, on the 26th April, 1890⁵, ordering the Harbour Master of Jersey to put the Act of 1889 into effect, so that the Jersey flag might be hoisted. This flagstaff was damaged, presumably by the Germans, during the Occupation of the Channel Islands (1940-1945), and was replaced by a new one in 1949.

(c) A substantial slipway, designed to facilitate access to Maitresse Ile from the only safe anchorage was first constructed in 1907⁶, and was lengthened to low-water mark in 1933⁷. It was most recently repaired in 1950. In 1933, a Winch⁸ was erected on Maitresse Ile in order to facilitate the landing of stores and fishing-gear. It was removed by the Germans during the Occupation. In 1933, latrines were also built. For navigational assistance a barometer and thermometer were provided; which the Harbour Master was instructed to install in a suitable place⁹.

(d) The following Beacons and Buoys designed to rendersafer the approaches to, and navigation within, the waters of the Minquiers, were erected or moored during the years indicated in each case¹⁰:

¹ Affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951, paragraph (11). See Annex A 98.

² *Ibid.* See Annex A 98.

³ Affidavit of H. F. Ereant, Treasurer of the States of Jersey, 4th May, 1951. See Annex A 124.

⁴ Acte du Comité des Havres et Chaussées, 26 Avril, 1890. See Annex A 125.

⁵ *Ibid.* See Annex A 125.

⁶ Acte du Comité des Havres et Chaussées, 25 Mai, 1907. See Annexes A 126 and C 7.

⁷ *Ibid.*, 27 Juin, 1933. See Annex A 127.

⁸ *Ibid.* See Annex A 127.

⁹ *Ibid.* See Annex A 127.

¹⁰ Affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951, paragraph (V). See Annex A 98. The names of the rocks given in this list are taken from the affidavit itself. As some of them are only awash or drying they will not all be found on the charts in Annexes B 2 and B 3. See also Annexes C 16 and C 17 for photographs of these beacons.

A.—Steel Beacons, surmounted by plaques bearing the words Etats de Jersey, on

- the Maisons, in 1937,
- the Pipettes, in 1937,
- the Grand Vascelin, in 1937 and
- the Puffin, in 1937, replacing the original wooden beacon erected in 1931.

B.—Steel Beacons, without plaques, on

- the Blanche Rocque, or Rocher Blanc or Bianche Crôc, in 1931,
- the Manche à Brioche, in 1931,
- the Petite Guillot, in 1933, replacing the original wooden beacon erected in 1931,
- the Fontaines, or Jettée des Fontaines de Bas, or La Couste des Fontaines, in 1937,
- the Grune Tar or Grune à Tar, in 1937,
- the Demie or Les Demies, in 1937,
- the Coq or La Grune à Gatié, in 1938,
- the Rocher du Sud Bas or Rond Rocher de Sud, in 1938 and
- the Rocher du Sud or Gros Rocher du Sud, in 1938.

C.—Wooden Beacons without plaques on

- the Rocher N(ord) E(st) or the Rocher du Nord Est, in 1937
 - the Grand Guillot or Grune Guillot, in 1937.
- and

D.—An unlighted Buoy on

- the Demie de Vascelin, in 1934 (this Buoy being last re-moored in position after overhaul in 1950).

E.—In 1913, an unlighted Mooring Buoy at the anchorage to the South East of the Maitresse Ile at about one cable's length from the foot of the slipway (see sub-paragraph (c), above). This Buoy was last re-moored in position after overhaul in 1950.

(e) As with the Ecréhous, it has been for many years the practice of various Insular Authorities, the Assembly of the Governor, Bailiff and Jurats, the Finance Committee (their successors in control of Insular Customs), and the Piers and Harbours Committee, to pay one or more annual official visits to Maitresse Ile of the Minquiers¹; and, on the occasion of every such visit, it is the invariable custom to hoist the Union Jack at the flagstaff previously referred to (see sub-paragraph (b) of paragraph 165, above), and to fly it there during the period of the stay on the Reef. The Lieutenant-Governor

¹ Certificate of F. de L. Bois, Greffier of the States of Jersey, 1951; Acte du Comité des Havres et Chaussées, 9 Août, 1888; affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951. See Annexes A 128, A 129 and A 98, and also C 18.

of Jersey from time to time has frequently accompanied these parties and, as the representative of the Sovereign, has taken part in the ceremony of the hoisting of the flag¹. In addition, visits are made to the Maisons and Pipettes, which are important parts of the Minquiers Reef. On the 28th May, 1945, the Commander of the Liberating Force, accompanied by the Bailiff of Jersey and the Attorney-General together with other officials, visited Maitresse Ile, accompanied by an armed Marine Guard, and with appropriate ceremony and honours, hoisted the Union Jack². On that occasion, French fishermen were seen on the Islet. They were questioned by the Force Commander, informed that they had no right to be there, and ordered to leave. On the 3rd April in the following year the Harbours and Airport Committee proceeded to Maitresse Ile, and hoisted the flag in the presence of the Lieutenant-Governor and other distinguished visitors³.

Evidence of Habitable Buildings at the Minquiers

166. (a) In the early days of the known history of the Minquiers, the position would appear to be that no habitations existed upon Maitresse Ile or elsewhere on the Reef. There certainly were none in 1748 when one Jean Hamon was cast up on Maitresse Ile as sole survivor from a boat on passage to St. Malo⁴. In the last decade of the 18th century (*circa* 1792), however, workmen in considerable numbers were sent to Maitresse Ile from Jersey to quarry stone which was to be used for the erection of Fort Regent in the Parish of St. Helier, Jersey⁵. This quarrying was continued during the early years of the 19th century⁶. Formal protests by fishermen⁷, following their unsuccessful attempts to stop the quarrying by removing and throwing into deep water the tools of the quarrymen, eventually brought the quarrying operations to an end, but not until, with the assistance of drill and blasting powder, a very substantial amount of stone had, over a period of some twenty years, been quarried and removed to Jersey. During that period the original stone huts on Maitresse Ile, of which traces still remain, would appear to have been built.

(b) The old quarrymen cut their initials in many places on the Islet; and, as a result of archæological research in 1928, a record was made of some of them⁸. The oldest initials and date found

¹ Act of the Harbours and Airport Committee, 3rd April, 1946; affidavit of Brigadier R. M. H. Lewis, Secretary to the Government in the Island of Jersey, 20th August, 1951. See Annexes A 130 and A 100.

² Affidavit of C. W. Duret Aubin, former Attorney-General of Jersey, 12th October, 1951, and photograph. See Annexes A 131 and C 9.

³ Act of the Harbours and Airport Committee, 3rd April, 1946. See Annex A 130.

⁴ *Société Jersiaise Bulletin Annuel*, pp. 193-4.

⁵ *Ibid.*, p. 194.

⁶ Acte du Comité des Havres et Chaussées, 9 août, 1888. See Annex A 129.

⁷ *Ibid.* See Annex A 129.

⁸ Affidavit of N. V. L. Rybot, F.S.A., Vice-President of the Société Jersiaise, 10th May, 1951. See Annexes A 132 and C 19.

were "JLVC 1792" and the latest "PLBLC 1813." The "JLVC" would be the normal Jersey abbreviations of "J. Le Vesconte", and the "PLBLC" that of "P. Le Blancq"; and it can therefore be assumed that these cuttings at any rate were done by Jersey men engaged in the quarrying. The initials and dates are cut with such skill that they must clearly have been the work of practised craftsmen who had the appropriate tools at their disposal.

(c) The evidence of the occupation of Maitresse Ile by quarrymen from Jersey is corroborated by two passes signed by Lieutenant-General Sir George Don, then Lieutenant-Governor of Jersey, whereby on the 25th February, 1812, permission was granted to the master of the cutter *Charles* to pass to and from Maitresse Ile to Jersey, he being employed on His Majesty's service ¹.

167. There is further evidence that the buildings which, through the years, were erected on Maitresse Ile, were owned, and from time to time occupied, by Jersey residents.

(a) *The Channel Pilot*, Part II (1870 Edition), published by the British Admiralty, states that Maitresse Ile had several huts on it, in which the fishermen resided during the summer months :

".... In 1869 there were 17 small houses or huts on the islet [Maitresse Ile], built of stone, belonging to the natives of La Roque point, Jersey, who are employed during the summer season (8 months of the year) fishing all over the Minquiers reef ²."

(b) The following extract also occurs in the French official publication, *Pilote de la Manche, Troisième Partie* (1875) :

"La Maitresse Ile (21^m.0) est habitée en été par quelques pêcheurs de Jersey qui ont deux maisons ³."

(c) An Act of the Committee of Piers and Harbours of the States of Jersey of the 9th August, 1888 ⁴ records a visit of the Committee to Maitresse Ile, and states that there were 19 houses, one of which was without a roof and uninhabited and the other 18 were inhabited by Jersey fishermen, except one which was let for several months to two Frenchmen, employed by their Government to make observations of the tides and currents in the Minquiers waters. There followed in the Act a description of the situation of the houses and the names of the owners.

(d) On the 13th June, 1903, the Committee of Piers and Harbours adopted a report by a Sub-Committee which had been appointed on the 11th June, 1903, when the Committee paid a visit to the Minquiers, to ascertain the number of houses then on Maitresse

¹ See Annex A 133.

² *The Channel Pilot*, Part II (1870), p. 33.

³ *Pilote de la Manche, Troisième Partie* (1875), p. 504.

⁴ Acte du Comité des Havres et Chaussées, 9 Août, 1888. See Annex A 129.

Ile and the names of their owners¹. The report stated that the number of houses was approximately 18, the majority of which were built in stone, and were inhabited by Jersey fishermen. The names of 20 Jersey fishermen were given as the owners of the houses in question. The report mentioned that by a contract passed before the Royal Court on the 30th May, 1896, C. Le Riche had sold a house to E. Morrison, who still owned it (see also paragraph 164, above).

(e) Besides the four buildings already mentioned as belonging to the States of Jersey (see paragraphs 161 and 164, above), there are at present on Maitresse Ile three other dwellings which are habitable, and 10 which, owing to the German Occupation, are not in that condition. All 13 of them belong to Jersey residents who, from time to time, make use of them for fishing purposes. This total figure of 17 habitable and uninhabitable buildings² approximates very closely to the number of huts given in *The Channel Pilot* (see (a), above).

(f) The only other habitable building on Maitresse Ile at the present time is a wooden hut erected as a shelter for French fishermen in 1939 by a Frenchman, popularly known as "Marin Marie"³. This action on his part was the subject of an immediate protest by the States of Jersey, but the intervention of the Second World War made impossible its pursuit.

168. (a) A previous attempt to erect a hut on Maitresse Ile had been made in 1929, by a French national, a M. H. Le Roux, who purported to hold a lease dated the 1st July, 1929, and signed by three minor French Government officials⁴. A British protest⁵ was at once made, and M. Le Roux withdrew, presumably on the directions of his Government. The work had not proceeded beyond the construction of a concrete foundation wall to a height of approximately 18 inches⁶. One account of his departure records the contents of a letter from the *Directeur de l'Enregistrement* cancelling the lease, the letter giving as a reason that the French Ministry of Foreign Affairs had ruled that the sovereignty of the Minquiers was still in issue between France and England⁷.

(b) Some years later, a Jersey resident, with the consent of M. Le Roux, erected a wooden bungalow on the concrete foundations.

¹ *Ibid.*, 13 Juin, 1903. See Annex A 134.

² Affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951, paragraph (III). See Annex A 98.

³ Affidavit of W. S. Le Masurier, Solicitor and former Deputy of the States of Jersey, 4th June, 1951. See Annex A 109.

⁴ See Annex A 135.

⁵ See Annex A 75.

⁶ See Annexes A 136 and C 20.

⁷ Affidavit of E. de Laquaine, Editor of *Les Chroniques de Jersey*, 5th May, 1951. See Annex A 137.

That bungalow was totally destroyed, presumably by the Germans, during the Occupation, and has not been rebuilt ¹.

169. (a) In 1812 Captain Martin White, R.N. (see sub-paragraph (a) of paragraph 144, above), began a survey of the English Channel ². He visited Maitresse Ile of the Minquiers in May, 1813, and again on the 26th July, 1815 ³. The record of this survey shews a water-colour of Maitresse Ile, upon which appears a stone building. In addition, this building appears on a chart drawn by Captain White (which internal evidence shews to have been drawn not later than 1823) ⁴, and is described by him as follows: "... there is a hut built on the Island for the occasional protection of the Fishermen & Vrachers [gatherers of seaweed] who frequent the place for the purpose of obtaining the Conger, Ormur (Oreille de Mer) Lobsters which here abound in great profusion".

(b) There is evidence that Captain White regarded the Minquiers as British. He was in the habit of indicating his True North and Magnetic North lines with the traditional devices of a knot or a half fleur-de-lis. But in one of his charts of Maitresse Ile, he embellished the True North line, which is drawn through the centre of the Islet, with a Union Jack ⁵.

Acts Specifically Relating to Fishing

170. There is evidence to shew:

- (a) that Jerseymen have fished the Minquiers since at least the beginning of the 17th century;
- (b) that the Minquiers continued to be fished by Jerseymen right up to the year 1940, when, under a German Order made during the Occupation of Jersey, such fishing was prohibited (see paragraph 178, below); and
- (c) that the States of Jersey have consistently acted in support of the fishing rights of Jerseymen at the Minquiers and have also, by the provision of houses and stores and by the erection and maintenance, at substantial cost, of navigational beacons and buoys, sought to encourage and foster the fishing by Jerseymen of the Minquiers, and to make safer the approaches to, and navigation within, the waters of the Reef.

¹ Affidavit of W. S. Le Masurier, Solicitor and former Deputy of the States of Jersey, 4th June, 1951; and of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951. See Annexes A 109, A 98 and C 15.

² "An Orometric Survey of The Minquiers Rocks"; contained in: "Rough Remarks for the Survey of the Islands of Jersey, Guernsey, Alderney, Sercq and Coast of France; undertaken in the Year 1812, by Capt. M. White, Royal Navy; by Order of the Right Honorable The Lords Commissioners of the Admiralty". MS. 542A, p. 42; (Hydrographic Dept., Admiralty, London.)

³ *Ibid.*, pp. 105, 111.

⁴ "An Orometric Survey of The Minquiers Rocks"; and see Annex A 138.

⁵ MS. E 625c (Hydrographic Dept., Admiralty, London). See Annex B 9.

171. The Rolls of the Seignourial Court of Noirmont (see paragraph 154, above) record that, on the 25th October, 1615, four men, Collas and Jean Grandin, Jean Christin and Jacques Dumaresq, and on the 31st January, 1616, Collas Grandin and others, brought back wreckage to Jersey from the Minquiers¹. The fact that Collas Grandin visited the Minquiers on both the dates mentioned which, it is emphasized, were in late autumn and winter, would tend to suggest that visits by Jersey men to the Reef were, even then, not infrequent; and it is reasonable to assume that the primary object of these visits was to fish and also, possibly, to collect *vraic* (seaweed). In 1692, wreck was once more discovered on the Minquiers, presumably by Jersey fishermen again visiting the reef, as the question of its ownership was brought before the Jersey Royal Court².

172. In 1807 the Jersey fishermen who were then fishing the Minquiers protested to the States of Jersey against the quarrying of rock which was taking place at *Maîtresse Ile*, alleging that the effect of excessive quarrying would be to render more exposed the only safe anchorage off that Islet (see sub-paragraph (a) of paragraph 166, above). This protest shews clearly that already in the early years of the 19th century, the fishing of the Minquiers, by Jersey men was so well established and important that fishermen were concerned about the safety of their anchorage.

173. The evidence of fishermen living to-day at La Rocque in the Parish of Grouville in the Island of Jersey establishes that, certainly not less than an hundred years ago, that is to say, about 1850, La Rocque fishermen, in many cases the direct ancestors of the fishermen upon whose declarations this claim is made, were regularly fishing the Minquiers as their sole occupation³. In those early days, the primitive stone huts (see sub-paragraph (a) of paragraph 166, above), would appear to have become incapable of habitation, and the fishermen accordingly slept in their boats; but, as the scale of fishing developed, temporary shelters and later houses were erected in substantial numbers.

174. In the years 1869 (see paragraph 99, above), and 1872⁴, petitions were addressed respectively to the Board of Trade and to the States of Jersey, fishermen complaining that French fishermen had stolen or otherwise interfered with their gear. The petition of 1872 alleged the removal by French fishermen of Jersey fishermen's lobster pots at the Minquiers, and complained that previous

¹ *Rôles de la Cour du Fief et Seigneurie de Noirmont* (*penes* Mrs. C. M. de Gruchy, widow of G. F. B. de Gruchy, late Seigneur de Noirmont). See Annex A 20.

² See Annexes A 21 and 22.

³ Affidavit of P. J. Le Clerq and F. and E. Gallichan, Minquiers fishermen, 2nd May, 1951. See Annex A 139.

⁴ See Annexes A 50 and A 140.

representations had failed to redress their grievances¹. These petitions were formally communicated to the appropriate Department in London.

175. On the 12th November, 1869, a protest, arising out of the petitions referred to in the preceding paragraph (see also paragraph 99, above)² was addressed by the British Embassy in Paris to the French Foreign Minister protesting against the theft by French fishermen of the tackle of Jersey fishermen at the Minquiers. The Embassy's letter of protest did not refer specifically to the matter of sovereignty, but described the Minquiers as "this dependency of the Channel Islands", and stated that Jersey fishermen had long had huts upon the rocks. The reply of the French Foreign Office, dated the 11th March, 1870 (see also paragraph 100, above)³, stated that the complaint had been investigated by the Minister of Marine and the Colonies who, without admitting the theft alleged, promised to issue a warning in order to prevent future depredations.

176. (a) When the Piers and Harbours Committee visited Maîtresse Ile on the 9th August, 1888 (see sub-paragraph (c) of paragraph 167, above), the Act of the Committee recorded that, at that time, some 16 to 18 boats were employed fishing the Minquiers and that they were manned by some 30 to 35 Jersey men. They were reputed to be catching fish to the value of about £650 during the months of May, June, July and August.

(b) Similarly, when the Committee visited the Minquiers on the 13th June, 1903 (see sub-paragraph (d) of paragraph 167, above), it was recorded that 16 boats manned by 32 men, all Jersey men, were fishing the Minquiers.

177. For the next 37 years, the Minquiers continued regularly to be fished by La Rocque fishermen, many of whom are still living. They state that, in the early years of the 20th century, between 30 and 40 men were so employed, but that, by 1930, their number had fallen to about 15. It was about this time (1930) that French fishermen began seriously to fish the Minquiers⁴.

178. During the period of German Occupation (1940-1945), Jersey fishermen were not allowed to carry out any fishing whatsoever at the Minquiers⁵. No such restriction applied to French fishermen after the departure of the Germans from the *Iles Chausey* and the adjacent mainland soon after the Allied landing in Normandy on the 6th June, 1944. As a result, the efforts made by certain Jersey fishermen, immediately after the Liberation of Jersey on the 9th May, 1945, to re-establish their former occupation encountered

¹ Acte des Etats de l'île de Jersey, 23 Février, 1872. See Annex A 140.

² See Annex A 51.

³ *Ibid.* See Annex A 52.

⁴ Affidavit of P. J. Le Clerq and F. and E. Gallichan, Minquiers fishermen, 2nd May, 1951. See Annex A 139.

⁵ See Annex A 102.

such strong French interference and competition that they had to be abandoned ¹.

179. The States of Jersey have always sought to encourage the fishing of the Minquiers by Jersey fishermen ; and, with this object in view, considerable expenditure has been incurred (see paragraph 165, above). In this connexion, it should be noted that all the Beacons and Buoys (particulars of which are given in sub-paragraph (d) of paragraph 165, above) erected by the States of Jersey at the Minquiers were designed to facilitate access to, and therefore the use of, the Islets and Rocks for fishing purposes.

PART III

SUBMISSIONS OF THE GOVERNMENT OF THE UNITED KINGDOM RELATING TO THE ISSUE OF SOVEREIGNTY OVER THE ISLETS AND ROCKS OF THE ECREHOUS AND MINQUIERS GROUPS

SECTION A.—THE SCOPE OF THE DISPUTE

180. The dispute between the Governments of the United Kingdom and of the French Republic, as stated in Article I of the Agreement of the 29th December, 1950 (see paragraph 1, above), is whether the United Kingdom or the French Republic is entitled to "the sovereignty over the islets and rocks (in so far as they are capable of appropriation) of the Minquiers and Ecrehos groups respectively...." The basis on which the dispute had been submitted to the Court is, therefore, as has been previously stated in this Memorial (see paragraph 120, above), that none of the Islets or Rocks is to be regarded as *res nullius*, but that sovereignty over each of them, in so far as they are capable of appropriation, belongs either to France or to the United Kingdom.

181. As has been shewn in Section B of Part I of this Memorial, the Kings of England after the Norman Conquest held, as Dukes of Normandy, the Channel Islands as one of their possessions, and, apart from the occasions when the Kings of France temporarily gained control of one or more of the Islands, the Kings of England retained possession of them throughout the Middle Ages. In modern times the sovereignty of the English Crown over the Channel Islands as a whole has never been in dispute. It is not, therefore, in issue between the United Kingdom and France that the former has sovereignty over all the Islands, particulars of which are given in paragraph 5, above, other than the Islets and Rocks of the Ecrehos and Minquiers groups, which are now in dispute, and the *Iles Chausey*, which are acknowledged to belong to France.

¹ See Annex A 139.

SECTION B.—THE PRINCIPLES APPLICABLE TO THE DETERMINATION OF THE CASE

182. Article II of the Special Agreement of the 29th December, 1950, provides that the agreement reached between the United Kingdom Government and the French Government as to the order in which the written proceedings are to be submitted to the Court is "Without prejudice to any question of the burden of proof," as between the two Governments. The United Kingdom Government accordingly submit that sovereignty over the Ecréhous and the Minquiers should be adjudged by the Court to the party which shows the better title to them in international law, and that the maxim *actori incumbit probatio* is not applicable to the present case.

183. The sources of the law applicable to the case are those referred to in paragraph 1 of Article 38 of the Statute of the Court. The parties have not agreed to its being decided *ex æquo et bono* under paragraph 2 of Article 38.

184. The Government of the United Kingdom advance the following submissions on the issue of sovereignty :

- A. *The right of a State to exercise sovereignty over a given territory may be founded, in international law, on the ability of that State to shew an origin or a root of title : one method of shewing such an origin or a root of title is to prove its existence in ancient times.*
- B. *Where the root of title is shewn to have existed in ancient times, international law requires the original title to be supported by effective possession.*
- C. *Where, however, the original title to a given territory cannot be proved, effective possession will by itself suffice to establish title.*
- D. *Evidence of such possession is, in either case, to be found in acts manifesting a continuous and peaceful display of sovereignty over the territory. Although this sovereignty must be continuous in principle, it need not be exercised at every moment at every point of the territory, so long as there is an intention and will to act as sovereign. How extensive the acts of sovereignty need to be depends on the nature of the territory.*
- E. *Where it is agreed that sovereignty over the territory in dispute belongs to one of the two parties to the case, that party is the sovereign, which is found to have the better claim on the basis of principles A to D.*

SECTION C.—LEGAL ARGUMENTS IN SUPPORT OF THE SUBMISSIONS ON THE ISSUE OF SOVEREIGNTY

185. The detailed arguments of the United Kingdom Government in support of the submissions on the issue of sovereignty, set out in the preceding paragraph, will now be developed.

186. The United Kingdom Government submit that where a State is able to shew an original title to sovereignty over a territory (as opposed to a derivative title *viz.* cession), and has continued in effective possession of that territory, that State is entitled in international law to be recognized as the sovereign of the territory (see A. and B., paragraph 184, above). The United Kingdom Government contend that the present case is not one of the acquisition of sovereignty by prescription (which is a mode of acquiring sovereignty otherwise than by a derivative title, but is not a mode of acquiring an original title). No State other than England (the United Kingdom) has since the Norman Conquest in 1066 been sovereign over the Ecréhous and Minquiers, and prescription is a mode by which sovereignty is acquired by one State over territory, which formerly belonged to another State. On the other hand, the United Kingdom Government would, if necessary, contend that they could establish a title on the basis of prescription. Nor do they consider that the sovereignty which they claim over the Ecréhous and Minquiers is based on occupation (which, unlike prescription, is a mode of acquiring an original title), since that would imply that at some time since 1066 these Islets were *res nullius*, whereas the United Kingdom Government contend that, at no time since 1066 have these Islets been *res nullius*, and that ever since 1066 they have been under the jurisdiction of the English Crown. On the other hand, if it were held that the Ecréhous or the Minquiers were at any time since 1066 *res nullius*, the United Kingdom Government would submit that they had acquired a title to sovereignty over them at some later date by occupation.

187. Acquisition of sovereignty over a given territory by prescription or occupation has been the subject of decisions of international tribunals and of much discussion by writers on Public International Law. It would not appear, however, that the validity of a claim to territorial sovereignty based on an original title, other than occupation, to a territory has been the subject of a decision by an international tribunal. Similarly, writers on international law have little to say directly about the ability of a State to shew an original title to territory, otherwise than by occupation, as constituting the basis of a claim to sovereignty. The dearth of specific authority on the point is not, however, surprising, since not only is the proposition as such self-evident, but, where a State can shew an original title to sovereignty over a territory and has continued to exercise effective possession over that territory, it is in the nature of things unlikely that its sovereign rights will be the subject of legal challenge. It is true that Vattel¹, Calvo² and Rivier³ speak of a doctrine of possession

¹ Vattel, *Le Droit des Gens*, ii. 132-3 (1863 Edition by Pradier-Fodéré).

² Calvo, *Le Droit International Théorique et Pratique*, i. 412-13 (4th Edition, 1887).

³ Rivier, *Principes du Droit des Gens*, i. 183 (1896 Edition).

or of immemorial possession, but they would appear to have considered only the case where the legal origin of an ancient title to territory is lost in the mists of antiquity. Westlake¹ appears to be alone in mentioning in terms the deduction of title from a root.

188. The United Kingdom Government do not dispute that, whereas, prior to the 18th century, the view was generally held that a State could make a successful claim to sovereignty over a territory merely on the basis of an abstract right, it has now become generally recognized that, for a State to maintain an original title to sovereignty over a territory, it is necessary that that title should be supported by evidence of a continuous and peaceful display of sovereignty, accompanied by an intention and will to act as sovereign (see D., paragraph 184, above). On the other hand, where, as in the present case, the parties to the dispute have agreed that sovereignty over the territory in question belongs to one of them, the United Kingdom Government submit that sovereignty should be adjudged to that party which is able to adduce the greater weight of evidence of a continuous and peaceful display of sovereignty, accompanied by the will and intention to act as sovereign over the territory in question (see E., paragraph 184, above).

189. The United Kingdom Government submit that, in regard to effective possession, the applicable law is most succinctly stated in the *Island of Palmas (or Miangas)* case², and in the case on the *Legal Status of Eastern Greenland*, decided by the Permanent Court of International Justice³.

190. In the *Island of Palmas* case (1928) the United States of America (as successor to Spain) and the Netherlands were disputing the sovereignty over an Island in the Pacific. The United States claim was based on the discovery of the Island by Spain and on contiguity to the Philippines: the Netherlands claim was based on the exercise of acts of sovereignty over the Island during a long period. Finding in favour of the Netherlands, the arbitrator, Dr. Max Huber, held that a "continuous and peaceful display" of sovereignty over the Island gave a title superior to any that could be based on original discovery or contiguity.

191. Dr. Huber, in considering the nature of the facts required in order to sustain a title based on the exercise of rights of sovereignty over territory, observed:

".... practice, as well as doctrine, recognizes—though under different legal formulæ and with certain differences as to the conditions required—that the continuous and peaceful display of territorial

¹ Westlake, *International Law*, i. 90-1 (1910 Edition).

² *American Journal of International Law* (1928), xxii. 867-912.

³ *Reports of the Permanent Court of International Justice* (Series A./B.—Fasc. No. 53).

sovereignty (peaceful in relation to other states) is as good as a title [see C., paragraph 184, above]. The growing insistence with which international law, ever since the middle of the eighteenth century, has demanded that the occupation shall be effective would be inconceivable, if effectiveness were required only for the act of acquisition and not equally for the maintainance of the right. If the effectiveness has above all been insisted on in regard to occupation, this is because the question rarely arises in connection with territories in which there is already an established order of things¹. (See A. and B., paragraph 184, above.)

192. Dr. Huber further brought out the importance, in international law, of the contribution which a State actually makes to a stable and constructive order of affairs as against the negative insistence on a historic right, which dates back to a period in history when the purely proprietary conception of sovereignty prevailed, by the following comparison with the state of affairs which prevails under municipal law :

“Although municipal law, thanks to its complete judicial system, is able to recognize abstract rights of property as existing apart from any material display of them, it has none the less limited their effect by the principles of prescription and the protection of possession. International law, the structure of which is not based on any super-state organization, cannot be presumed to reduce a right such as territorial sovereignty, with which almost all international relations are bound up, to the category of an abstract right, without concrete manifestations².”

193. The following two quotations, from the award in the *Island of Palmas* case, have a special bearing on the nature and extent of the administration which it is necessary to shew for the purpose of establishing sovereignty over a territory which is accessible only from the high seas, or is small in area :

“Manifestations of territorial sovereignty assume, it is true, different forms, according to conditions of time and place. Although continuous in principle, sovereignty cannot be exercised in fact at every moment on every point of a territory [see D., paragraph 184, above]. The intermittence and discontinuity compatible with the maintainance of the right necessarily differ according as inhabited or uninhabited regions are involved, or regions enclosed within territories in which sovereignty is uncontestedly displayed or again regions accessible from, for instance, the high seas³.”

“The acts of indirect or direct display of Netherlands sovereignty at Palmas (or Miangas), especially in the eighteenth and early nineteenth centuries are not numerous, and there are considerable gaps in the evidence of continuous display. But apart from the

¹ *American Journal of International Law*, xxii. 876.

² *Ibid.*, loc. cit.

³ *Ibid.*, xxii. 877.

consideration that the manifestations of sovereignty over a small and distant island, inhabited only by natives, cannot be expected to be frequent, it is not necessary that the display of sovereignty should go back to a very far distant period [see C., paragraph 184, above]. It may suffice that such display existed in 1898, and had already existed as continuous and peaceful before that date long enough to enable any Power who might have considered herself as possessing sovereignty over the island, or having a claim to sovereignty, to have, according to local conditions, a reasonable possibility for ascertaining the existence of a state of things contrary to her real or alleged rights¹."

194. The United Kingdom Government submit that the following inferences may properly be drawn from Dr. Huber's award, namely :

- (a) that modern international law does not encourage the maintenance of a title which is purely abstract, and has not been accompanied within a reasonably recent period of time by concrete acts of administration and sovereignty ;
- (b) that this view is justified by the necessity for stability in international affairs ;
- (c) that the policy of international law encourages the vindication of a sovereignty which is open and public, and has been continuous and peaceful.

It follows, therefore, that the criterion of effective possession must in each case turn upon the facts, the most important of which are the actual nature of the territory itself and the presence or absence of competing claims.

195. In the case on the *Legal Status of Eastern Greenland*, decided by the Permanent Court of International Justice in 1933, the question turned on whether on the 10th June, 1931 (the date of the Norwegian Decree purporting to annex the territory) the territory was *res nullius* (in which case the annexation would be valid), or was under Danish sovereignty (in which case the annexation would not be valid). Finding in favour of Denmark the Court said :

"The first Danish argument is that the Norwegian occupation of part of the East coast of Greenland is invalid because Denmark has claimed and exercised sovereign rights over Greenland as a whole for a long time and has obtained thereby a valid title to sovereignty. The date at which such Danish sovereignty must have existed in order to render the Norwegian occupation invalid is the date at which the occupation took place, viz., July 10th, 1931.

"The Danish claim is not founded upon any particular act of occupation but alleges—to use the phrase employed in the *Palmas Island* decision of the Permanent Court of Arbitration, April 4th, 1928—a title 'founded on the peaceful and continuous display of State authority over the island.' It is based upon the view that

¹ *American Journal of International Law*, xxii. 908.

Denmark now enjoys all the rights which the King of Denmark and Norway enjoyed over Greenland up till 1814. Both the existence and the extent of these rights must therefore be considered, as well as the Danish claim to sovereignty since that date.

"It must be borne in mind, however, that as the critical date is July 10th, 1931, it is not necessary that sovereignty over Greenland should have existed throughout the period during which the Danish Government maintains that it was in being. Even if the material submitted to the Court might be thought insufficient to establish the existence of that sovereignty during the earlier periods, this would not exclude a finding that it is sufficient to establish a valid title in the period immediately preceding the occupation.

"Before proceeding to consider in detail the evidence submitted to the Court, it may be well to state that a claim to sovereignty based not upon some particular act or title such as a treaty of cession but merely upon continued display of authority, involves two elements each of which must be shown to exist: the intention and will to act as sovereign, and some actual exercise or display of such authority". (See C. and D., paragraph 184, above.)

196. The Court also made the following observations on the effect of the character of a territory on whether occupation can be regarded as effective:

"It is impossible to read the records of the decisions in cases as to territorial sovereignty without observing that in many cases the tribunal has been satisfied with very little in the way of the actual exercise of sovereign rights, provided that the other State could not make out a superior claim. This is particularly true in the case of claims to sovereignty over areas in thinly populated or unsettled countries". (See D., paragraph 184, above.)

197. The extracts quoted in the two preceding paragraphs show that in order to support title by effective possession it is not necessary to shew continuous physical occupation but that a continuous display of State authority and other concrete manifestations of sovereignty are sufficient; that the requirements of effective possession are less severe in remote and sparsely populated territories. The reference to a critical date in the case on the *Legal Status of Eastern Greenland* is, in the submission of the United Kingdom Government, irrelevant to the present dispute, since no evidence has been discovered of occupation of the Ecréhous and the Minquiers by France. Moreover, the French Government did not even make a claim to sovereignty over the Ecréhous until 1886 (see paragraph 92, above), or to sovereignty over the Minquiers until 1888 (see paragraph 101, above). On those dates, there had been acts of administration over the Ecréhous and Minquiers exercised by the United Kingdom Government extending over a period of centuries (see Part II, above, of this Memorial).

¹ *Reports of the Permanent Court of International Justice* (Series A./B.—Fasc. No. 53, pp. 45-6).

² *Op. cit.*, p. 46.

198. The United Kingdom Government will now proceed, on the basis of submissions A. to D. (see paragraph 184, above), to examine the relevance to their claim to sovereignty over the Ecréhous and Minquiers of :

- (a) The Facts contained in Part II of this Memorial. (Section D, below).
- (b) The Account of the Treaties and Diplomatic Correspondence relating to the present Dispute during the 19th and 20th centuries, contained in Section C of Part I of this Memorial. (Section E, below).

SECTION D.—APPLICATION OF THE LEGAL SUBMISSIONS ON THE ISSUE OF SOVEREIGNTY TO THE FACTS CONTAINED IN PART II OF THE MEMORIAL

199. The Government of the United Kingdom submit that the evidence shews clearly that the United Kingdom acquired an original title to the Ecréhous and Minquiers groups of Islets, which has been supported by effective possession, accompanied by an intention and will to act as sovereign. In the first place, it is submitted that the original title of the United Kingdom to the Channel Islands as a whole, and to the Island of Jersey in particular, can be traced back to 1066, when the then Duke of Normandy, William (whose great-great-grandfather had acquired the Channel Islands in 933 (see paragraph 22, above)), became King of England by conquest (see paragraph 14, above). In the second place, it is submitted that the Ecréhous and the Minquiers always remained part of the Island of Jersey. With regard to the Ecréhous, the evidence derived from medieval sources, which is set out in paragraphs 125 to 133 inclusive, above, indicates that the Ecréhous were then already regarded as a dependency of Jersey. It is to be presumed that they continued to be so regarded, since the earliest available evidence in modern times shews that the Jersey authorities were exercising sovereignty over them in a public manner on the basis that they formed part of the parish of St. Martin in Jersey (see paragraph 135, above, and Section A of Part II of this Memorial generally). As regards the Minquiers, although no medieval evidence has been found shewing their dependence on Jersey, the presumption that this was in fact so, is to be inferred from more recent evidence, such as the exercise of jurisdiction over them by the Jersey courts in the 17th century (see paragraphs 154 and 155, above), and the continuous series of modern acts evidencing a display of sovereignty over them on the basis that they formed part of the parish of Grouville in Jersey (see paragraph 158, above, and Section B of Part II of this Memorial generally). Finally, as regards effective possession, the public records of the Island of Jersey consistently shew that, since 1826, the Ecréhous (see paragraph 136, above),

and, since 1615, the Minquiers (see paragraph 154, above), were treated as dependencies of Jersey, and that the Jersey authorities exercised jurisdiction over them in the name of the British Crown.

The Ecréhous

200. It has been shewn in Section A of Part II of this Memorial (paragraphs 125 to 127 inclusive, above) that in 1203 the Ecréhous were regarded as part of the Island of Jersey, because Piers des Préaux, who had been granted that Island in 1200 by King John of England, made a sub-grant in 1203 of the Ecréhous Islets by name to the Abbey of Val-Richer in Normandy on the basis that his title to the Ecréhous was derived from the grant of 1200 by King John (see paragraphs 125 to 127 inclusive, above), and that in 1309 the King's Courts exercised jurisdiction over the Ecréhous, which thus continued to be part of the territory of the King of England (see paragraphs 128 to 130 inclusive, above). Furthermore, the King of England, immediately before the outbreak of the Hundred Years' War in 1337, granted letters of protection to the then Prior of the Ecréhous Priory in the same manner in which he issued letters of protection to the Priors of various other religious houses in Jersey and Guernsey (see paragraph 131, above). It is important to note that the Patent Roll containing the grant of the letters of protection to the Prior of the Ecréhous refers in terms to the Ecréhous as belonging to the Island of Jersey, the Prior being described as the Prior of "*Acrehowe de Insula de Iereseye*" ("Ecréhous of the Island of Jersey"). Lastly, with reference to the evidence of medieval title, it may be inferred from the above facts that, under the terms of the Treaty of Calais of the 24th October, 1360, the Ecréhous (as well as the Minquiers) Islets were included among "all the other Islands which the said King of England [Edward III] now holds"¹. The United Kingdom Government submit that, as regards the Ecréhous, the presumption to this effect is strong, because they were held by the English Crown in 1203, and were still so held in 1337.

201. There appears to be little positive evidence between the end of the Middle Ages and the beginning of the 19th century of acts manifesting sovereignty over the Ecréhous. This lack of positive evidence may be due to the fact that the Priory on the Ecréhous fell into ruins and also to the smallness and relative unimportance of the Islets. At the beginning of the 19th century, the increased exploitation of fishing grounds in the area between Jersey and the coast of the French mainland (see paragraph 72, above) naturally resulted in Jersey fishermen resorting frequently to the Ecréhous (as well as to the Minquiers). The new importance which the Islets thus acquired may in part explain the considerable

¹ See Annex A 2.

body of evidence relating to the past one hundred and fifty years, which shews that the Ecréhous were regarded as dependencies of Jersey, and that the Jersey authorities exercised jurisdiction over them in the name of the British Crown.

202. The evidence in regard to modern times in Section A of Part II of this Memorial is set out under various heads¹. Consideration of that evidence shews that, despite the small size and relative unimportance of the Ecréhous, the Jersey authorities continually exercised sovereignty over them in an entirely public manner. Thus the Ecréhous have been treated for administrative purposes as forming part of the Parish of St. Martin in the Island of Jersey. In 1826, the police of that Parish prosecuted George Romeril before the Royal Court of Jersey for a crime committed on the Ecréhous. There is further evidence of the continued exercise of police authority over the Islets in the notice posted on Marmotière in 1884 by the Connétable of St. Martin requesting fishermen not to leave rubbish on it. Inquests have been held to determine the cause of death of persons found dead on or near the Islets; houses on the Islets have been assessed for the purposes of the Jersey parochial rate; Census enumerations have been made on the Islets; measures have been taken to enforce the laws of Jersey relating to Customs; leases of Maître Ile have been granted by the Crown, and other contracts relating to real property on the Islets have been registered in the Public Registry of Deeds of the Island of Jersey. Furthermore, for more than a hundred years all the houses on the Ecréhous group of Islets have been owned and occupied by Jerseymen or other British nationals. There is evidence, relating to at least the past sixty years, that the Jersey authorities have visited the Islets from time to time as being a dependency of Jersey, and hoisted the British flag on them. They have also expended money on the construction of various works on the Islets, such as the construction of the slipway at Marmotière. Lastly, it has been shewn that for more than a hundred years Jersey fishermen, with the support and encouragement of the Jersey authorities, have regularly carried on fishing operations from the Ecréhous on the basis that they were British territory, and that there has been little attempt on the part of the French fishermen to fish around the Ecréhous. In order to carry on the business of fishing there before the advent of motor boats, the Jersey fishermen found it necessary, at least during the busy summer season, to stay on the Islets for several days, returning to their homes in Jersey only at the week-ends. It was no doubt mainly for this reason that they built houses on the Islets. That they did so with the approval of the Jersey authorities, and that the erection and use of these houses

¹ In this paragraph it has not been considered necessary to draw attention to the individual references in Section A of Part II where the General Acts manifesting Sovereignty are themselves set out in detail.

over a period of many years did not give rise to any protest or to any administrative action on the part of the French Government clearly shews, in the submission of the United Kingdom Government, that the Ecréhous were regarded as as much British territory as the Island of Jersey itself.

203. The United Kingdom Government accordingly submit that the original title of the United Kingdom to the Ecréhous is supported by adequate evidence of effective possession, accompanied by an intention and will to act as sovereign, not only in medieval times (see paragraph 200, above) but also in modern times.

The Minquiers

204. The Minquiers group of Islets, like the Ecréhous, formed part of the Duchy of Normandy at the time of the conquest of the Duchy by King Philip Augustus of France. The French conquest, however, related only to the mainland of France. The United Kingdom Government submit that it is reasonable to assume that, like the other Channel Islands, the Minquiers remained in the hands of King John of England. It is also reasonable to assume, in the absence of contrary evidence, that they continued in the possession of the English Crown, that the latter held them in 1360, the date of the Treaty of Calais, and that they were accordingly among "all the other Islands which the said King of England [Edward III] now holds" ¹. This presumption gains support from the evidence relating to the early 17th century, namely the Rolls of the Seignorial Court of Noirmont in Jersey for the years 1615, 1616 and 1617 ², shewing that the King of England was exercising in one of his Courts jurisdiction over the Minquiers. This act of jurisdiction was again, as is mentioned before, exercised in 1692 ³.

205. The records referred to in the preceding paragraph form a link with the series of modern acts evidencing a display of sovereignty. While the lack of positive evidence between the 17th and 19th centuries may be due to the size and nature of the Islets, the increased exploitation, at the beginning of the 19th century, of fishing grounds between Jersey and the coast of the mainland of France (see paragraph 72, above), naturally resulted in Jersey fishermen resorting frequently to the Minquiers and, as with the Ecréhous, there is a considerable body of evidence which shews that the Minquiers were regarded as dependencies of Jersey and that the Jersey authorities exercised jurisdiction over them in the name of the British Crown.

206. The evidence in modern times relating to the Minquiers, in Section B of Part II of this Memorial, is set out under various heads,

¹ See Annex A 2.

² See Annex A 20.

³ See Annexes A 21 and 22.

and is broadly similar to the evidence concerning the Ecréhous¹. It shews that the Jersey authorities continually exercised sovereignty over the Minquiers in an entirely public manner. Thus the Minquiers have been treated for administrative purposes as forming part of the Parish of Grouville in the Island of Jersey. While there is no evidence, as in the case of the Ecréhous, of proceedings having been taken in respect of a crime committed on the Minquiers, inquests have been held to determine the cause of death of persons found dead there. Houses on Maitresse Ile have been assessed for the purpose of the Jersey parochial rate ; measures have been taken to enforce the laws of Jersey relating to Customs ; measures were taken to include persons then on Maitresse Ile in the Census of the British Isles taken in 1921 ; contracts relating to real property on Maitresse Ile have been registered in the Public Registry of Deeds of the Island of Jersey. Evidence of the occupation goes back to an earlier date than in the case of the Ecréhous, as has been shewn in paragraphs 166 (a), (b) and (c), above, where are described the quarrying operations which took place on Maitresse Ile at the end of the 18th and the beginning of the 19th centuries. Moreover, since the beginning of the 19th century, all the houses have belonged to Jerseymen or other British nationals. Furthermore, there is evidence, relating to at least the past sixty years, shewing that the Jersey authorities visited the Islets from time to time as being a dependency of Jersey, and hoisted the British flag on Maitresse Ile. They have also expended money on the construction of various works on the Minquiers, such as the substantial slipway designed to facilitate access to Maitresse Ile, and the winch on the same Islet to facilitate the landing of stores and fishing-gear. In addition, a very considerable number of beacons and buoys have been erected, designed to render safer the approaches to, and navigation within, the waters of the Minquiers. It may also be noted that Captain White, who carried out a survey of the area in the early part of the 19th century, regarded the Islets as British, in that he embellished on one of his charts the True North line drawn through the centre of Maitresse Ile with a Union Jack. Lastly, it has been shewn that there is evidence that in the early 17th century Jerseymen resorted to the Minquiers to fish and collect *vraic* (*i.e.*, seaweed) and that, in the early years of the 19th century, the fishing off the Minquiers by Jerseymen was so well-established and important that the fishermen were concerned about the safety of their anchorage. The evidence of fishermen living to-day at La Rocque in the Parish of Grouville in the Island of Jersey establishes that, for certainly not less than a hundred years, Jersey fishermen have regularly fished at the Minquiers. Their activities have been supported and encouraged by the Jersey authorities, who, as has already been mentioned

¹ In this paragraph it has not been considered necessary to draw attention to the individual references in Section B of Part II, where the General Acts manifesting Sovereignty are themselves set out in detail.

in this paragraph, have provided stores, and erected and maintained navigational beacons and buoys on the Islets at considerable cost. The houses on Maîtresse Ile have been owned, for the most part, by fishermen, and that they did so with the approval of the Jersey authorities and that the erection of these houses over a period of many years did not give rise to any protest or to any administrative action on the part of the French Government clearly shews, in the submission of the United Kingdom Government, that the Minquiers were regarded just as much British territory as the Island of Jersey itself.

207. The United Kingdom Government accordingly submit that the original title of the United Kingdom to the Minquiers is supported in modern times by adequate evidence of effective possession, accompanied by an intention and will to act as sovereign.

SECTION E.—APPLICATION OF THE LEGAL SUBMISSIONS ON THE ISSUE OF SOVEREIGNTY TO THE TREATIES AND DIPLOMATIC CORRESPONDENCE RELATING TO THE PRESENT DISPUTE DURING THE 19th AND 20th CENTURIES CONTAINED IN SECTION C OF PART I OF THE MEMORIAL

208. In this Section of this Part of the Memorial, the United Kingdom Government submit their contentions as to the conclusions relating to the issue of sovereignty over the Ecréhous and the Minquiers, which may be drawn from the terms of the treaty engagements entered into between the Governments and from the diplomatic correspondence regarding the two groups of Islets and Rocks, which passed between them during the 19th and 20th centuries.

209. The Government of the United Kingdom submit in this part of the legal argument that, for the reasons to be found in the immediately following paragraphs, three conclusions can properly be drawn from consideration of the Account of the Treaties and Diplomatic Correspondence relating to the present Dispute during the 19th and 20th centuries, namely :

- (a) that the French Government, at the time when they first made, after the end of the Napoleonic wars, proposals for delimiting the areas within which the fishermen of each country would be entitled to exclusive rights of fishing ;
 - (i) regarded the Ecréhous as belonging to nobody, that is to say, as *res nullius*, and continued so to regard them (see paragraphs 212, 215, and 222, below), until they first claimed sovereignty over them in 1886 (see paragraph 223, below) ;
 - (ii) regarded the Minquiers as a British possession and continued so to regard them (see paragraphs 211, 215, and

- 228, below), until they first claimed sovereignty over them in 1888 (see paragraphs 229 and 230, below) ;
- (b) that there is nothing in the provisions of the 1839 and 1867 Fishery Conventions which lends support to the present claims of the French Government to sovereignty over the Ecréhous and the Minquiers ;
 - (c) that on those occasions on which, in the course of the diplomatic correspondence during the 19th and 20th centuries, the French Government claimed sovereignty over the Ecréhous (see paragraphs 223 and 224, below), and over the Minquiers (see paragraphs 229 to 233 *passim*, below), they did not support their claims by any evidence of their having exercised effective possession over either group of Islets. The United Kingdom Government, on the other hand, not only consistently maintained that the Ecréhous (see paragraphs 221, 223 and 224, below), and the Minquiers (see paragraphs 228, 231, 232 and 233, below), were British possessions, but continued to exercise sovereignty in an entirely public manner over both groups of Islets and Rocks, as has been described in Part II of this Memorial.

(a) Negotiations between 1819 and 1837

210. The United Kingdom Government, in Section C of Part I of this Memorial, have given an account of the inter-governmental negotiations which took place between 1819 and 1837. These negotiations originated in proposals submitted by the French Ambassador, Count de Caraman, to the British Foreign Secretary, Lord Castlereagh, dated the 12th June, 1820 (see paragraph 74, above and Annex A 24). An examination of these proposals shews that the French Government based them on the conception that the territory of a state has a maritime belt within which its nationals are entitled to an exclusive right of fishery (see extract from the letter of the 14th September, 1819, from the French Minister of Marine to the French Minister of Foreign Affairs at Annex A 25). In this letter it is stated that the maritime powers had not hitherto fixed precisely the extent of the maritime belt or *mer territoriale*, although the French Minister of Marine understood that the British Admiralty recognized a limit of only three miles. The proposal made by the French Government was, however, that the right of exclusive fishery in the area between the Channel Islands and the coast of the French mainland should be regarded as extending to a distance of six miles from respectively the "Côtes de France" and the "Côtes d'Angleterre". In order to shew the practical effect of this proposal in the area in question, two charts were attached to the Note of the French Ambassador, Count de Caraman, dated the 12th June, 1820 (see paragraph 74 above, Annexes A 24, and B 4 and 5). On those charts, blue lines were drawn to indicate the

proposed limits of the French maritime belt, and red lines to indicate the proposed limits of the British maritime belt.

211. An examination of the charts referred to in the preceding paragraph shews that the lines were drawn on them so as to give French nationals an exclusive right of fishery to a distance of six miles from the coast of the French mainland between *Cap de la Hague* in the north and *St. Malo* in the south. In addition, an arc with a radius of six miles was drawn round the *Iles Chausey*, so as to include this area within the French fishery limits. Similarly, the red lines, indicating the limits of the British maritime belt, were shewn by arcs with radii of six miles from the Islands of Alderney, Sark and Jersey. In addition, just as an arc with a radius of six miles was drawn from the *Iles Chausey* so as to include them within the French fishery limits, so an arc was drawn round the Minquiers to include them within the British fishery limits. Furthermore, the reason for so drawing the line round the Minquiers was stated by the French Government to be that they were a British possession (see letter of the 14th September, 1819, at Annex A 25).

212. The United Kingdom Government submit that these proposals of the French Government shew that the French Government regarded the Ecréhous as belonging to nobody, that is to say, as *res nullius* and, therefore, did not claim them as French, and that they considered the Minquiers to be a British possession. The reasons which point to these conclusions are as follows. The basis of the French proposals was that a littoral state was entitled in international law to exercise sovereignty over a belt of territorial waters. Whether the extent of this belt was considered to be three or six miles did not affect the fact that the French proposals were clearly drawn up on the basis of territorial sovereignty. It is true, as regards the Ecréhous, that the French Government did not give in their proposals any explanation for the manner in which the blue and red lines were drawn between *Cap de Carteret* and Jersey. The United Kingdom Government, however, submit that the French Government regarded the Ecréhous as *res nullius*. That the Ecréhous were treated as *res nullius* is supported by the method of drawing the respective lines between *Cap de la Hague* and Alderney and between the *Iles Chausey* and the Minquiers. In each case, the blue lines were drawn at a distance of six miles from French territory, and the red lines at the same distance from British territory, regardless of the fact that in consequence the lines intersected¹. The United Kingdom Government therefore submit that had the French Government claimed the Ecréhous as French territory, as they did in the case of *Iles Chausey*, they would necessarily have drawn the lines on the chart so as to indicate that the limits of the

¹ It was proposed that the difficulty caused by the overlapping of the lines should be overcome by drawing a straight line between the points of intersection to make the fishery limits.

French maritime belt took account of their territorial sovereignty over the Ecréhous, and proposed a special *ad hoc* delimitation for the respective fishery limits, as was done in the two cases where blue and red lines intersected. In fact, the lines on each chart opposite *Cap de Carteret* disregard the Ecréhous and are so drawn that the Ecréhous lie outside the proposed French maritime belt, and within the proposed British maritime belt drawn round Jersey.

213. As has been pointed out in paragraph 211, above, the Minquiers are clearly shewn on the relevant chart as British territory. In addition, they are stated in terms, in the communication of the French Government, to be a British possession (see letter of the 14th September, 1819, at Annex A 25). The United Kingdom Government accordingly submit that the Note of 12th June, 1820 (see paragraph 74, above), is clear evidence of the fact that in 1820 the French Government treated the Ecréhous as *res nullius* and recognized the Minquiers as a British possession.

214. In 1824, as has been stated in paragraph 76, above, the French Government made fresh proposals, which were embodied in a draft Convention¹ agreed between the French Ambassador, the Prince de Polignac, and Mr. Hobhouse of the British Home Department. The Convention was based on two principles set out in Article 1, namely :

- (a) that the exclusive right of fishery within a distance of one marine league (*i.e.*, three nautical miles) from the respective possessions in Europe of France and the United Kingdom was inherent in the territorial sovereignty of each state ;
- (b) that, in the case of fishing for oysters, mussels and other shell fish, each High Contracting Party would be entitled, on the basis of the legislation of either Party, which was in force, of immemorial usage, or of local or personal privilege, to the exclusive right of fishing for shell fish in certain additional areas.

Articles 2 and 3 lay down, on the basis of these principles, the limits of the proposed French and British shell fisheries. It will be seen that the limits were fixed at one marine league in respect of the Channel Islands and the neighbouring coast of France with the following exceptions :

- (a) as regards France, the limits were fixed (in so far as they are relevant to the present case) by a line to be drawn at two marine leagues from the French coast between the *Havre de Carteret* and the village of *Lingreville*, from which point the line turned round the *Iles Chausey* at a distance of one marine league, and then continued in a southerly direction towards the *Pointe (Headland) du Menga* ;

¹ See Annex A 26.

(b) as regards the United Kingdom, the limits were fixed at two marine leagues round the Island of Jersey.

These limits are shewn by lines on the chart at Annex B 6, which has been prepared by the British Admiralty.

215. The United Kingdom Government submit that these proposals shew that the French Government continued to regard the Ecréhous as *res nullius*, as they had done in 1820 (see paragraph 212, above), and made no claim to sovereignty over them. As regards the Minquiers, the United Kingdom Government contend that it is reasonable to hold that the French Government regarded them as a British possession, since they had so recognized them in 1820 (see paragraph 211, above). It is clear, in the submission of the United Kingdom Government, that the French Government did not claim sovereignty over them. If they had claimed sovereignty over either the Ecréhous or the Minquiers, the limits within which the French Government were entitled to an exclusive right of fishery in respect of fish other than oysters, mussels and other shell fish would, in accordance with the first paragraph of Article 1 of the proposed Convention, have been at the least one marine league (*i.e.*, three nautical miles) from the Ecréhous and the Minquiers. If the French Government had considered that the principle enunciated in the second paragraph of the said Article 1 had been applicable to the Ecréhous and Minquiers, they would have been entitled to claim an exclusive right of fishing for oysters, mussels and other shell fish which was more extensive, *e.g.*, two marine leagues. It could not, however, have been less than that laid down for the exclusive right of general fishery, namely, three miles from the territory in question. In the submission of the United Kingdom Government it is, therefore, clear that the French Government did not claim territorial sovereignty over either group of Islets or Rocks. On the other hand, it is to be noted that the *Iles Chausey* were regarded as a French possession. In their case, Article 2 provided that the limits of the French right of exclusive fishery for oysters, mussels and shell fish were to be one marine league (*i.e.*, three nautical miles), that is to say, the area, which was recognized in Article 1 as that pertaining to the territorial sovereign. The United Kingdom Government submit, therefore, that the French Government did not in 1824 claim either group of Islets as a French possession, since, had they done so, they would have claimed, as inherent in their territorial sovereignty, the exclusive right of fishing within the distance of one marine league from both groups of Islets; but that they continued to regard the Ecréhous as *res nullius* and the Minquiers as a British possession.

(b) International Agreements

216. The Government of the United Kingdom submit that the 1839 and 1867 Conventions (see paragraphs 79 to 82 inclusive, above) lend no support to the claims to sovereignty over the Ecréhous and Minquiers Islets, which were from time to time during the 19th century made by the French Government. In the first place, the primary object of these Conventions was to secure an amicable division of the oyster fishery between French and British fishermen in the waters lying between Jersey and the coast of France. Secondly, it will be seen from the account of the diplomatic discussions, given in Section C of Part I of this Memorial, that it was only subsequent to the signature of the 1867 Convention that the French Government challenged the exercise by the United Kingdom of sovereignty over the Ecréhous and the Minquiers Islets. Indeed, as has been pointed out in paragraph 211, above, the French Government, in the Note of the 12th June, 1820, specifically acknowledged that the Minquiers belonged to the United Kingdom. Thirdly, if the sovereignty over either group of Islets had been in dispute at the period when either of the two Conventions was negotiated, there would have been a specific reference to the right of exclusive fishery in the territorial waters of the Ecréhous and Minquiers. In this connexion, the United Kingdom Government have caused the minutes of the Mixed Anglo-French Commissions of 1837 and 1866, which were responsible for the negotiations which preceded the Conventions of 1839 and 1867, and the dispatches of the British Commissioners to be examined. The documents in question contain no single reference to either the Ecréhous or the Minquiers.

217. In the course of the subsequent diplomatic correspondence summarized in Section C of Part I of this Memorial, the Government of the United Kingdom from time to time contended that, on the proper construction of certain Articles in the Conventions, the United Kingdom had the exclusive right of fishery in the territorial waters of the Ecréhous and the Minquiers. This construction was a consequence of their claim to sovereignty over the Islets, and the Government of the United Kingdom do not admit that there is anything in the language of either Convention inconsistent with this interpretation. Indeed, the definition of British Islands in Article 38 of the 1867 Convention, which referred in terms to the dependencies of Jersey, clearly supported the contention of the United Kingdom Government.

218. The United Kingdom Government submit that the reference to dependencies in Article II of the Submarine Telegraph Convention of the 2nd January, 1859 (see paragraph 83, above, and Annex A 29), is evidence that the Ecréhous and Minquiers were at the time the Convention was concluded, considered by the French Govern-

ment to be British possessions. Under the provisions of this Convention, the French Government granted a British submarine telegraph company certain concessionary rights in connexion with a submarine cable to be established by the Company, at the request of the French Government, between France and the Channel Islands. The relevant passages in Article II (see paragraph 83, above, and Annex A 29) state that :

“La Compagnie seule aura le droit de relier la France auxdites îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et autres îles et îlots en dépendant, et s’engage à faire passer par ces nouvelles lignes toutes les dépêches Françaises qui lui seront remises”;

and also that :

“Le nombre de zones qui devra servir de base à l’établissement de la taxe, des côtes de France aux îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et aux îles ou îlots en dépendant, est fixé comme suit pour chaque dépêche simple de quinze mots”.

(c) Diplomatic Correspondence

219. In the course of the diplomatic correspondence summarized in Section C of Part I of this Memorial, the French Government on several occasions denied the right of the United Kingdom to have sovereignty over the Ecréhous and Minquiers groups of Islets. The United Kingdom Government invite the attention of the Court to the following considerations in regard to this correspondence.

(i) *Diplomatic correspondence relating to the Ecréhous*

220. The correspondence relating to the Ecréhous began with a Note dated 27th February, 1876, from the French Ambassador in London, the Marquis d’Harcourt, to Lord Derby, the British Foreign Secretary (see paragraph 85, above, and Annex A 31), in which the former protested against the terms of a Treasury Warrant which included the Ecréhous within the Port of Jersey, and terminated with a Note, dated 3rd February, 1888, from the British Foreign Secretary, Lord Salisbury, to M. Waddington, French Ambassador in London, in reply to the latter’s Note of the 26th January, 1888 (see paragraph 97, above, and Annex A 49).

221. Consideration of this correspondence relating to the Ecréhous group shews that throughout its course the United Kingdom Government asserted their right to sovereignty over the Ecréhous, whereas the French Government were primarily concerned lest any action on the part of the United Kingdom authorities should interfere with what they considered to be the rights under the provisions of the 1839 Fishery Convention of French fishermen to fish round the Ecréhous Islets and Rocks equally with Jersey fishermen. Thus the French protest against the terms of the Treasury Warrant of

1875, which included the Ecréhous within the limits of the Port of Jersey, was based on the 1839 Fishery Convention, and did not refer to the question of sovereignty (see paragraph 85, above and Annex A 31).

222. The next occasion, in 1883, on which the Ecréhous were the subject of correspondence between the two Governments was in consequence of the French Government's having received information about a resolution of the States of Jersey, which they considered would, if effect were given to it, prevent French fishermen from having access to the Ecréhous (see paragraphs 86 to 91 inclusive, above). The French Government, in making their protest about this resolution, had before them the Memorandum enclosed with the British reply of 1876 (see paragraph 85, above and Annex 33). It is to be noted, however, that the French Government not only stated that it appeared unnecessary to consider the arguments contained in the British Memorandum of 1876, saying that to do so would be to "*déplacer la question qu'il importe de maintenir sur le terrain de la convention de 1839,*" but proceeded on the basis that the Ecréhous were *res nullius*.¹

223. The British reply of the 24th October, 1883 (see paragraphs 90 and 91, above and Annex A 40), left the French Government in no doubt as to the view of the United Kingdom Government that they regarded the Ecréhous as being indisputably British². The French reaction to this Note was to appoint a Committee of Specialists to consider both the sovereignty issue and the question of fishery rights. This Committee in 1886 submitted their Report to the French Ministry of Foreign Affairs and the latter communicated it to the British Foreign Secretary (see paragraph 92, above and Annex A 42). The United Kingdom Government do not consider it necessary to rebut in this Part of their Memorial the contentions of the French Committee, as a detailed answer to these contentions is to be found in the Report of the Law Officers of the Crown in Jersey (see Annex A 47) referred to in paragraph 95, above. The United Kingdom Government would stress the fact that the French Government, in adopting the Committee's Report, maintained their claim to sovereignty over the Ecréhous which they then made for the first time, on the basis of abstract right, and that they supported their claim to the Ecréhous by no evidence of any acts manifesting sovereignty over them.

224. It will be seen from paragraphs 93, 94 and 95, above, that the United Kingdom Government, in replying in their Note of the 27th October, 1887, to the French Government, considered it

¹ Dispatch of M. Tissot, French Ambassador, to Lord Granville, the British Secretary of State for Foreign Affairs of the 25th April, 1883. See Annex A 38.

² The Note of the 24th October, 1883, also dealt fully with the French arguments in support of their claim that French and British nationals had, under the 1839 Fishery Convention, equal rights of fishery round the Ecréhous.

unnecessary to answer in any detail the contentions of the French Government on the issue of sovereignty, and merely communicated to the French Government that part of the Memorandum of the Jersey Law Officers, which related to fishery rights. The French Government in reply, despite the somewhat brusque treatment by the United Kingdom Government of their contentions on the issue of sovereignty, devoted their main contentions to the extent of the fishery rights accorded by the 1839 Fishery Convention (see paragraph 96, above and Annex A 48). Although this Note received only a formal acknowledgement from the United Kingdom Government, the French Government made no further claim to sovereignty over the Ecréhous until after the conclusion of hostilities at the end of the Second World War.

225. The attention of the Court is also drawn, in connexion with the United Kingdom Note of the 27th October, 1887 (see paragraphs 93, 94 and 95, above and Annex A 43), to the letter of M. Billot, a French official in the Ministry of Foreign Affairs (see paragraph 94, above and Annex A 46). It will be seen that, while the letter refers to the fact that the United Kingdom Government claimed the Ecréhous as a British dependency, it is silent on the question of the French right to sovereignty over it. The United Kingdom Government submit that it may be inferred from this silence that the French Government had reached no definite conclusion that the Ecréhous were a French possession, which they could hardly have failed to do, if they had been administering the Ecréhous in the manner in which it has been shewn was done by the United Kingdom authorities.

226. In the submission of the United Kingdom Government, the course of the diplomatic correspondence between the French and United Kingdom Governments regarding the Ecréhous, which has been summarized in the preceding paragraphs, shews that the French Government only made an abstract claim to sovereignty over the Ecréhous and that their doing so was only incidental to their desire to protect what they conceived to be the rights of the French fishermen under the 1839 Fishery Convention.

227. On the other hand not only did the United Kingdom Government deny on several occasions the validity of the French claim to sovereignty over the Ecréhous, as has been shewn in Section C of Part I of this Memorial but before, during, and subsequently to, the correspondence they continued to exercise sovereignty over the Islets in an entirely public manner, as has been shewn in Section A of Part II of this Memorial. Moreover, so far as is known, for a period of nearly sixty years after 1888, the French Government did not challenge the sovereignty of the United Kingdom over the Ecréhous.

(ii) *Diplomatic Correspondence relating to the Minquiers*

228. The correspondence relating to the Minquiers began with a Note dated 12th November, 1869, from Mr. West, British Chargé d'Affaires in Paris, to Prince de la Tour d'Auvergne, French Minister of Foreign Affairs (see paragraph 99, above and Annex A 51), regarding the theft by French fishermen of fishing gear belonging to Jersey fishermen. Although this Note specifically referred to the Minquiers as "this dependency of the Channel Islands", the French Government, when they replied in their Note dated the 11th March, 1870 (see paragraph 100, above and Annex A 52), not only did not deny that the Minquiers were a British possession; but made no claim to sovereignty over them.

229. Further correspondence regarding the Minquiers took place in 1888, when M. Waddington, the French Ambassador in London, addressed a Note, dated the 27th August, to Lord Salisbury, the British Foreign Minister (see paragraph 101, above and Annex A 53), in which he made a protest on the grounds that the Committee of Piers and Harbours of the States of Jersey had paid an official visit to the Minquiers and had thereby infringed French sovereignty over them, to which for the first time the French Government then made a claim.

230. In this Note, the French Government based their claim to the sovereignty over the Minquiers on the grounds that they came under the administration of the port engineers at Granville, who had been responsible for certain works of buoying and lighting of the Islets. They also stated that the French engineer M. Beauteemps-Beaupré had made a hydrographical survey of the archipelago—a reference to this Frenchman's work between 1829 and 1832. In fact, a British naval officer, Captain Martin White, R.N., made a survey of the Minquiers many years prior to 1829, when M. Beauteemps-Beaupré began his survey of them; and he (Captain White) surveyed at the same time the French coast, including the bay of St. Malo (see paragraphs 101 and 169, above)¹. The United Kingdom Government submit, therefore, that no claim to sovereignty can be maintained by reason of the making of the French survey, and, moreover, that the purpose of the French survey was purely in order to enable navigational facilities to be established for ships using the port of St. Malo, and was unconnected with the exercise of sovereign rights over the Minquiers. As regards the light-ship and buoy, which were placed in the channel southward of the Minquiers, their sole purpose was to facilitate navigation of ships bound for St. Malo and they, and the buoys, which subsequently replaced them in 1891, were in fact placed at a distance of more than three

¹ The date, as given in Lord Salisbury's Note of the 21st November, 1888, of Captain White's survey is 1831. It would appear, however, that the survey was made during the years 1813-15. (See paragraph 169, above.)

miles from the nearest of the Minquiers rocks permanently above water (see the United Kingdom Memorandum of the 17th August, 1905, at Annex A 69). The United Kingdom Government, therefore, contend that these works of buoying and lighting are not acts manifesting sovereignty over the Minquiers.

231. The United Kingdom Government replied to the French Note of the 27th August, 1888, referred to in the preceding paragraph, in their Note of the 21st November, 1888, in which they rebutted the contentions in the French Note, and set out the grounds on which they considered the Minquiers to be a British possession (see paragraphs 102 and 103, above and Annex A 54). The French Government, however, made no reply to the United Kingdom Note and did not again raise the question of sovereignty over the Minquiers for some fourteen years. The subject then engaged the attention of the two Governments between 1902 and 1905 (see paragraphs 104 to 113 inclusive, above). The United Kingdom Government throughout the exchanges of correspondence and discussions which took place during this period consistently asserted that the British rights of ownership over the Islets were not open to question. It would appear that the French Government, on the other hand, were mainly concerned with the lighting and buoying of the channel to the southward of the Minquiers, which was used by ships proceeding to and from St. Malo. Thus M. Cambon, the French Ambassador in London, gave it as his personal opinion in conversation with Lord Lansdowne, the British Foreign Secretary, that the Minquiers belonged to no one in particular, and that lights or beacons might be erected on or near the Minquiers at the common expense of the United Kingdom and France (see paragraph 108, above), and was subsequently authorized by M. Delcassé, the French Minister of Foreign Affairs, to propose a solution of the dispute on these lines (see paragraph 109, above and Annex A 62).

232. The United Kingdom Government were not prepared, in view of the fact that they regarded the Minquiers as a British possession, to accept the French proposals referred to in the preceding paragraph (see paragraph 110, above and Annex A 63). After further correspondence had taken place between the two Governments (see paragraphs 110 and 111, above), the United Kingdom Government communicated a Memorandum to the French Government on the 17th August, 1905 (see paragraph 112, above and Annex A 69), in which they once more gave their reasons for being unable to relinquish sovereignty over the Minquiers and made proposals for an amicable arrangement in respect of fishing rights and of the lighting and buoying in the neighbourhood of the Minquiers. Not only did the French Government send no reply to the United Kingdom Government other than a formal acknowledgment of the receipt of the Memorandum (see paragraph 113, above and Annex A 70), but they subsequently offered to renounce French claims to

the Crozet Islands in return for the agreement of the United Kingdom Government that the Minquiers should be regarded as *res nullius* (see paragraph 113, above, and Annex A 71). Although the United Kingdom Government refused to entertain the proposed transaction (see Annex A 72), the French Government did not again raise the question of sovereignty over the Minquiers until 1929 (see paragraph 114, above, and Annex A 74).

233. In July, 1929, M. de Fleuriau, the French Ambassador in London, mentioned in the course of a conversation at the British Foreign Office, that he thought that the status of the Minquiers had never been settled and that they were to be regarded as "*mer libre*" (*i.e.*, as *res nullius*). Subsequently to this conversation, the United Kingdom Government sent a Note to the French Ambassador in which they pointed out that, since the French Government had sent no reply to the British Memorandum of the 17th August, 1905 (see paragraph 112, above and Annex A 69), other than a formal acknowledgement, they assumed that the French Government did not dissent from the views therein expressed (*i.e.*, on the issue of sovereignty) (see paragraph 114, above). The French Government did not reply to this Note from the United Kingdom Government and, moreover, as appears from the French Note dated the 5th October, 1937 (see paragraph 115, above and Annex A 76), the French Government, although they continued to claim sovereignty over the Minquiers, were in 1937 unaware that, in the course of administering the Minquiers, the Jersey authorities had established a Custom House on the Minquiers in 1909 (see paragraph 161, above). On the other hand, not only did the United Kingdom Government deny on several occasions the validity of the French claim to sovereignty over the Minquiers, as has been shewn in Section C of Part I of this Memorial, but before, and throughout the period covered by the correspondence, they continued to exercise sovereignty over the Islets in an entirely public manner, as has been described in Section B of Part II of this Memorial.

234. The United Kingdom Government submit, on the basis of the considerations set out in paragraphs 219 to 233, above, that the French Government did not establish any right to sovereignty over the Ecréhous or the Minquiers in the course of the diplomatic correspondence relating to the two groups of Islets which took place during the 19th and 20th centuries.

SECTION F.—STATEMENT OF THE CLAIM OF THE GOVERNMENT OF THE UNITED KINGDOM

235. The Government of the United Kingdom, referring to the legal submissions set out in paragraph 184, above, and relying on the arguments set out in paragraphs 185 to 234, above, submit :

- (1) that the United Kingdom is entitled to exercise sovereignty over the Islets and Rocks of both the Ecréhous and the Minquiers groups by reason of having established the existence of a root of title in ancient times which is supported by effective possession in recent times to be found in acts which manifest a continuous and peaceful display of sovereignty over the territories ;

Alternatively,

- (2) that the United Kingdom is entitled to exercise sovereignty over the Islets and Rocks of both the Ecréhous and the Minquiers groups by reason of having established title by effective possession alone, such possession being found in acts which manifest a continuous and peaceful display of sovereignty over the territories.

The Court is accordingly asked to declare :

That the United Kingdom is entitled under international law to full and undivided sovereignty over the Islets and Rocks (in so far as they are capable of appropriation) of the Ecréhous and the Minquiers groups.

(Signed) R. S. B. BEST,
*Agent for the Government
of the United Kingdom.*

3rd March, 1952.

**Annexes to the Memorial submitted by the Government of
the United Kingdom of Great Britain and Northern Ireland**

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TEXTUAL NOTE

1. The authorities, which have served as sources for this Memorial and its supporting Annexes, comprise various classes of manuscripts (see paragraph 2, below) and also printed works (see paragraph 3, below). By far the greater part of these authorities are, it will be observed, manuscripts, and a brief account of them is given below.

Manuscript Records

2. The manuscript records fall into the following categories :

(A) MEDIEVAL NATIONAL MANUSCRIPT RECORDS :

- (i) *Treaty Rolls*. These (whose title is self-explanatory) provide the authority for the Treaty of Calais (1360). A certain number of original ratifications of medieval Treaties, however, are to be found amongst the records of the English Court of Exchequer, which have provided the text for the Treaties of Paris (1259) and of Troyes (1420).
- (ii) *Charter Rolls*. On these were enrolled the Royal Charters granting, not only liberties and privileges, etc., but also lands to corporations as well as to private individuals. These have provided the source for the Grant (and its Confirmation) by King John to Piers des Préaux in 1200.
- (iii) *Patent Rolls*. These—by far the most important records of the English Court of Chancery and indeed of any class of medieval records—derive their name from the *Litteræ Patentes* (Letters Patent). The enrolments are of a highly diversified character, and relate, for example, to the prerogatives of the Crown, the Revenue, the various branches of the Judicature, to Letters of Protection and Safe-conduct, etc. In addition, they also cover a great amount of private business such as grants and confirmation of offices or lands, etc. These Rolls have provided the authority for the restitution to Piers des Préaux of his English lands in 1206, and the Letters of Protection for the Prior of the Ecréhous in 1337.
- (iv) *Assize Rolls*. Briefly, these contain the recording of pleadings before the King's Justices on circuit. They have provided the authority for the judicial proceedings in the years 1309, 1323, 1325, 1331, cited as evidence in regard to the Ecréhous Islets.
- (v) *Exchequer Accounts*. These, in general, deal with the revenue of the Crown. The example cited as evidence in 1328-9 is one of the numerous miscellaneous Exchequer Accounts.
- (vi) *Papal Bulls*. These contain all the important orders and decisions of the Papal *Curia* (as they do at the present day), and cover a great variety of ecclesiastical business. They sometimes re-inforced Papal Monitions. An example of this class of Papal records is the Papal Bull of 1500.

(B) LOCAL (JERSEY) MANUSCRIPT RECORDS :

- (i) *Rentals*. This class of records (which is self-explanatory) has provided the authority for a list of endowments of the Priory of the Ecréhous in the 15th century.
- (ii) *Extentes*. These are local records covering rents (both in money and kind) payable by Jersey Parishes in respect of various ancient endowments.
- (iii) *Court Rolls*. These contain the proceedings before the Manorial Court of the Lord (or Seigneur) of the Manor. Those of the Seignory of Noirmont have provided evidence relating to the Minquiers Islets in 1615, 1616 and 1617.
- (iv) *The Acts of the Royal Court of Jersey*. These record the proceedings of the Royal Court (*Cour Royale*) of Jersey, whose functions have been described in paragraph 60 of the Memorial. The Acts cited as evidence extend from 1692 to 1948, and cover civil and criminal proceedings.
- (v) *The Acts of the States of Jersey* and of its Sub-Committee, the Piers and Harbours Committee (*Havres et Chaussées*), now called the Harbours and Airport Committee, have provided a substantial body of evidence, which chiefly concerns the transaction of official business relating to the Ecréhous and Minquiers Islets.

(C) MODERN DIPLOMATIC MANUSCRIPT RECORDS :

The great majority of these are Dispatches and Notes from and to the Foreign Office, covering the 19th and 20th centuries (1819 to 1938). They have been supplemented, where necessary, from the records of other United Kingdom Government departments.

Printed Sources

3. The above manuscript records have been supplemented by various printed records. These comprise such national archives as :

- (i) *Calendar of Close Rolls (Cal. Close Rolls)*. These are printed abstracts (calendars) of the *Close Rolls*, on which were enrolled Letters Close (*Litteræ Clausæ*). The *Close Rolls* contained mandates, letters, writs, etc. of a private nature to individuals in the King's name. The term "Close" was derived from the fact that these documents were folded or "closed", as opposed to the Patent Rolls, which were unfolded or "open".
- (ii) *Calendar of Fine Rolls (Cal. Fine Rolls)*. These are abstracts of the *Fine Rolls*, on which were recorded the "fines" (or payments) for confirmation of liberties, franchises, grants of wardships and marriages, etc. These *Fine Rolls* also recorded the appointment of certain officers of the Crown, such as sheriffs, etc.
- (iii) *Calendar of State Papers, Domestic (Cal. State Papers, Domestic)*. These are abstracts of *State Papers* which, as the title implies, cover the general internal as distinct from foreign business of the State and the Sovereign's Council. The department

originally responsible for their custody, later known as the State Paper Office, was first established in 1578.

- (iv) *Calendar of Papal Letters (Cal. Papal Letters)*. These contain abstracts of entries in the *Papal Registers* of material concerning Great Britain, and have provided the Papal Monition of 1481.
- (v) The above national printed works have been supplemented by the publications of *La Société Jersiaise* (an antiquarian society devoted to research into Jersey history and archaeology), and the published works of various historians and antiquaries from the middle of the 17th century to the present day, who have specialised in the history of the Channel Islands.

Textual Treatment

4. The texts of the Annexes, which reproduce manuscript sources, adhere as faithfully as possible to the originals, and editorial changes (which are duly noted) have only been introduced when this has been necessary to clarify the sense. Thus, there will be found in the texts many variations in spelling, punctuation and the use of accents and capitals, which are due to the idiosyncrasies of the individual writers, as well as to the changes in spelling and punctuation throughout the centuries in both the English and French languages. These are usually brought to the attention of the reader. Omissions of irrelevant matter in the text have been indicated by the usual method of a dotted line within square brackets, as has been done in the case of the complete corruption or illegibility of the manuscript. In the case of medieval manuscripts scribal contractions have been extended. Only abbreviations which may be somewhat unusual in the more modern documents have been similarly treated, or explained. Footnotes have occasionally been added to certain Annexes to elucidate various points.

ANNEX A I

Treaty of Paris, October, 1259¹

[*Exchequer (Treasury of Receipt), Diplomatic Documents, No. 10*]

[The Treaty of Paris was ratified by King Louis IX and by King Henry III in October, 1259. The text here printed is that of the ratification by Louis IX, preserved in the Public Record Office, London; but a few *lacunae* have been filled from a late 13th century copy (Exchequer [Treasury of Receipt], Miscellaneous Books, No. 275, ff. 34-5), made from the sealed original. Henry III's ratification is preserved at Paris (Archives Nationales, J.629, No. 8). As between the ratification by both Kings there is no substantial difference. There exists also (1) an enrolled text in the Public Record Office (Treaty Roll, 43 Hen. III, m.4, printed by Rymer, *Fœdera*, I, i. 383-4), dated Westminster, 20th May, 1259; (2) another text of Louis IX, printed by Rymer, *op. cit.*, I, i. 389-90, with no other authority but "Ex Autogr." This has a parallel Latin text. The Articles selected are those relevant to the case.]

Lois par la grace de deu rois de France. Nos faisons asauoir a touz cels qui sont e qui seront que nos par la uolente de deu ouec nostre chier cousin le noble roi Henri de Angleterre auons pais faite e affermee e[n] ceste man[i]ere [.....]
[.....]

[Art. 4] Derechief apres le deces le conte de poitiers nos ou nostre hoir roi de france donrons au [Ro]i [Deng]l' ou a ses hoirs la terre que li cuens de Poitiers tient ores en Xant'. outre la riuere de Charente en fiez e en demaines qui soient outre la charente se ele eschaoit a nos ou a noz hoirs E s[e]le ne nos eschaoit nos porchaceriens en bone maniere par eschange ou autrement que li rois dangl' e si hoir lauront ou nos li ferons auenable eschange a lesgart de prodes homes qui seront nome dune part & dautre. E de ce que nos au roi dangl' e a ses hoirs auons done en fiez e en demaines li rois dangl' e si hoir feront homage lige a nos e a noz hoirs rois de franc'. e ausi de Bordiaus e de Baeone e de Gascoingne e de tote la terre que il tient deça la mer dangl' en fiez e en demaines e des isles saucune en i a que li rois dangl' tiegne qui soient del roiaume de franc' e tendra de nos comme pers de franc' & dux de Aquitain'. E de totes ces choses deuantdites nos fera li rois dangl' seruises auenables iusq' a tant quil fust troue quels seruises les choses deuroient e lors il seroit tenuz de faire les tels com il seroient troue. Del homage de la conte de Bigorre. de Armeingnac e de faiençac soit ce que droiz en sera. E nos clamons quite au roi dangl' se il ou.

¹ As the relevant Articles, or parts thereof, in the Treaty only are printed, omissions are denoted by dots within square brackets. This practice is followed throughout these Annexes.

ANNEX A I

Treaty of Paris, October, 1259

[*Exchequer (Treasury of Receipt), Diplomatic Documents, No. 10*]

[Translation]

Louis, by the grace of god, king of france. We notify all men present and future that, by the will of god, we have made and confirmed peace with our dear cousin, the noble king Henry of England, in this manner.

[.....]

[Art. 4] Again, after the decease of the count of poitiers, We or his heir, king of france, shall give to the King of England or to his heirs the land which the count of Poitiers holds at present in Saintonge¹ beyond the river Charente in fee and in demesne which may be beyond the charente, if it should escheat to us or to our heirs. And if it should not escheat to us, we shall contrive in a suitable way by means of exchange or otherwise that the king of england and his heirs will have it, or we shall arrange a suitable exchange by the award of arbitrators who shall be appointed by both sides. And for what we have given the king of england and his heirs in fee and in demesne, the king of england and his heirs will do liege homage to us and to our heirs, kings of france, and also for Bordeaux², and for Bayonne³, and for Gascony⁴ and all the land which he holds on this side of the sea of england in fee and in demesne and for the islands, if any there be, which the king of england holds which are of the realm of france, and he shall hold of us as peer of france and duke of Aquitaine⁵; and for all these aforesaid things the king of england will do us suitable service until it is found which services are due for the

¹ *Xant'.*

² *Bordiaus.*

³ *Baeone.*

⁴ *Gascoinge.*

⁵ *Aquitain'.*

si ancessor nos firent onques tort de tenir nostre fie sanz nos faire homage e sanz nos rendre nostre seruisse e toz arrerages.

[.....]

[Art. 6] E par ceste pais faisant a quite e quite de tot en tot li rois dangl' & si dui fil a nos e a noz ancessors e a noz hoirs & a noz successors e a noz freres e a lor hoirs e a lor successors por soi e por ses hoirs e por ses succes[sors] s[e ici]ls rois dangl' o[u] si ancessor aucune droiture ont ou orent onques en chose que nos teigniens ou teignissiens onques ou nostre ancessor ou nostre frere cest a sauoir en la duche e en tote la terre de Normendie en la conte e en tote la terre da[niou] de [To]raine & del Maine. e en la conte e en tote la terre de Poitiers ou aillors en aucune partie del Roiaume de franc' ou es isles saucunes en tenons nos ou nostre frere ou autres de par nos ou de par els e toz arrerages.

[Art. 7] E ausi a quite e quite li deuantdiz rois dangl' e si dui fil a toz cels qui de par nos ou de par noz ancesors ou de noz freres tienent aucune chose par don ou par eschange ou par uente ou par achat ou par ascensement ou en autre semblable maniere en la duche e en tote la terre de Normend'. en la conte e en tote la terre daniou de Toraine e del Maine. e en la conte e tote la terre de poitiers ou aillors en aucune partie del roiaume de france ou es isles desus dites sauf au roi dangl'. e a ses hoirs lor droiture es terres dont il nos doit faire homage lige par ceste pais si comme il est desus deuisse. e sauf ce que li rois dangl' puisse demander sa droiture sil la cuide auoir en Agenois e auoir la se la cort le roi de franc' le iuge e ausi de Caorsin.

[.....]

[.....]Ce fu donne a paris la[n del Incarnacion nostre seigneur Mille C C Cinquan]te nouieme el mois de Octo[ure]

[Sealed with Louis IX's Great Seal, appended on yellow and red silken laces.]

[Endorsed:] Compositio pacis inter Lodeuicum Regem Francie & Henricum Regem Anglie de Tribus dioc' & Ciuitatibus. videlicet Lymozicen', Caturc'. et Petragoricen' ¹ [. . .] & per quam idem Rex Franc' promittit quod reddet regi Angl' terram Agenn' ² per consideracionem curie Franc'. & quod multas alias [. . .] condiciones

¹ Limoges ; Cahors ; Périgueux.

² Agenais.

things, and then he should be bound to pay that such as should be found existing. For the homage of the county of Bigorre, of Armagnac¹ and fézensac², let it be that which right shall require. And we quitclaim to the king of england any wrong ever done by him to us or our ancestors in holding our fee without paying homage to us and without performing his service to us, and all arrears.

[.....]

[Art. 6] And by making this peace, the king of england and his two sons have relinquished, and relinquish altogether, to us and to our ancestors and to our heirs, and to our successors, and to our brothers and to their heirs and to their successors, in behalf of himself and his heirs and his successors, and any right the kings of england and their ancestors have or ever had in the things which we or our ancestors or our brother hold or ever used to hold, that is to say in the duchy and all the land of Normandy³, in the county and all the land of anjou⁴, of Touraine⁵ and Maine, and in the county and all the land of Poitiers or elsewhere in any part of the Realm of france or in the islands, if any are held by us or by our brother or by others in our or their behalf, and all arrears.

[Art. 7] And also the above-named king of england and his two sons have relinquished, and relinquish, to all those who by our authority or by that of our ancestors or by that of our brothers hold anything through gift, exchange or sale, purchase, or agreement, or in other like manner in the duchy and in all the land of Normandy⁶, in the county and all the land of anjou⁴, Touraine⁵ and Maine, and in the county and all the land of poitiers or elsewhere in any part of the realm of france or in the aforesaid islands, saving to the king of england and to his heirs their right in the lands for which they owe us liege homage according to this peace, as it is above determined, and saving that the king of england may claim his right, if he believe that he have it, in Agenais⁷, and can have it, if the court of the king of france so judge, and similarly for Quercy⁸.

[.....]

[.....] Dated at paris in the year of the Incarnation of our Lord One Thousand Two Hundred and Fifty-Nine, in the month of October.

¹ *Armeignac.*

² *faiençaç.*

³ *Normendie.*

⁴ *daniou.*

⁵ *Touraine.*

⁶ *Normend'.*

⁷ *Agenois.*

⁸ *Caorsin* : of which the modern form is *Cahorsin* (i.e., the district of Cahors) which was later called *Quercy*.

ANNEX A 2

Treaty of Calais, 24th October, 1360

[*Treaty Roll*¹, 34 *Edw. III*, pt. 4, m. 2]Tractatus
cum articulis
subtractis

Edward par la grace de dieu Roi Dengleterre Seigneur Dirlaunde et Daqui-
taigne A touz ceux qi cestes lettres verront . salutz . Sauoir' faisons a
touz presentz et auenir que nous auons veu le . traitie daccort fait nad-
gaires par certains trateours et procureurs entre . nous et nostre treschier
frere le Roi de France contenant la forme qe sensuyt .

[.....]

[.....]

vj .

Item accorde est que le dit Roi Dengleterre et ses heirs auront et tendront
toutes les Isles adiacens aus terres paiis et lieux auantnommez ensamble
avec toutes autres Isles le queux le dit Roi Dengleterre tient a present

[.....]

[.....] Donne a nostre ville de Caleis par tesmoignance de
nostre graunt seal . le . xxiiij . iour Doctobre Lan de grace . mille . CCC .
Ix .

ANNEX A 3

Treaty of Troyes, 21st May, 1420

[*Exchequer (Treasury of Receipt), Diplomatic Documents, No. 411*]

[The Treaty of Troyes was ratified on the 21st May, 1420. Two ratified texts of the Treaty exist : one in London (Public Record Office), the other (by Henry V) in Paris (Archives Nationales, J.646B, No. 15 bis) ; in addition, there is a contemporary English text on the dorse of the Close Roll (8 Hen. V, mm. 12d & 11d) dated the 14th June, 1420, which was ordered to be proclaimed throughout England. The text here printed is the ratification by King Charles VI, preserved in the Public Record Office. This document is, however, defective in a number of places : missing words have been supplied by collation with the Archives Nationales text, and are inserted between square brackets. There is no substantial difference between the two texts. The Treaty has been printed in full, because the general nature of its provisions makes selection of individual articles difficult. Particular attention, however, may be drawn to Articles (1), (2), (6), (7), (14), (16)-(26), (28), (30), (31), (33).]

¹ The roll bears the notarial attestation, which establishes its legal validity.

ANNEX A 2

Treaty of Calais, 24th October, 1360

[*Treaty Roll*, 34 *Edw. III*, pt. 4, m. 2]

[Translation]

Edward, by the grace of god, King of England, Lord of Ireland and of Aquitaine, To all who shall see these letters, greeting. Let it be made known to all, now and in the future, that we have seen the treaty of agreement lately made by certain negotiators and proxies between us and our most dear brother, the King of France, in the form which follows [.....]

Treaty,
with articles
withdrawn

[.....]

Also, it is agreed that the said King of England and his successors shall have and hold all the Islands adjacent to the lands, the countries and places above-named, together with all other Islands which the said King of England now holds. [Art.] 6

[.....]

[.....] Given at our town of Calais by the testimony of our great seal, the 24th day of October, in the Year of grace one thousand three hundred and sixty.

ANNEX A 3

Treaty of Troyes, 21st May, 1420

[*Exchequer (Treasury of Receipt), Diplomatic Documents, No. 411*]

[Translation]

Charles Par la Grace De dieu Roy de France A Perpetuelle Memoire
 Combien que pour reintegrer la paix et oster les discencions des Roy-
 aumes de france & dangleterre plusieurs notables & diuers traittiez qui
 ou [te]mps passe ont este faiz Entre noz nobles progeniteurs de bonne
 memoire et ceulx de treshault prince et nostre treschier filz Henry Roy
 dangleterre heritier de france et aussi entre nous et nostre dit filz naient
 apporte le fruit de paix pour ce desire Sauoir Faisons a tous presens &
 aduenir que neantmoins nous considerans et pesans¹ en nostre cuer
 quans grans et Irreparables maulx quantes enormitez et quelle dolo-
 reuse playe vniuersal & Incurable la diuision des deux Royaumes dessusd'
 a Jusques cy mis & apporte non p[a]s tant seulement es deux Royaumes
 mais a toute leglise militant Nous auons nagaires reprins traittie de paix
 avec nostre dit filz Henry ouquel a la parfin apres² plusieurs collactions
 & parlemens des gens de nostre conseil Icellui ottroyant & donnant
 effect a noz desirs qui promet paix aux hommes de bonne volente Entre
 nou[s] & nos]tre dit filz a leure de la ditte desiree paix est Conclud &
 accorde en la maniere qui sensuit

[Art. 1] Premièrement que pour ce [que] par lalliance du mariage
 fait pour le bien de la ditte paix Entre nostre dit filz le Roy Henry et
 nostre treschiere & tresamee fille Katherine Il est deuenu nostre filz et
 de nostre treschiere & tresamee compaigne la Roynne [i]cellui nostre
 filz nous aura³ & honnorera & nostre ditte compaigne comme pere
 & mere et ainsi quil appartient honnorer telz et si grans prince & prin-
 cesse et deuant toutes personnes temporelles du monde

[Art. 2] Item que nostre dit filz le Roy Henry ne nous turbera Inqui-
 tera ou empeschera que nous ne tenions & possidions tant comme nous
 viurons ainsi que nous tenons & possidons de present la Couronne et
 dignite royal de france et les reuenues fruis & prouuens diceulx a la
 Soustenance de nostre estat et des charges du Royaume Et que nostre
 ditte compaigne aussi ne tiengne tant quelle viura estat & dignite de
 Roynne selon la coustume dudit Royaume Auecques partie desdictes
 rentes & reuenues a elle conuenable

[Art. 3] Item est accorde que nostre dicte fille Katherine aura & prendra
 ou Royaume dangleterre douaire Ainsi que les Roynes dangleterre ont
 ou temps passe acoustume dauoir & percevoir Cestassauoir par chascun
 an la Somme de quarante mil escus desquelz les deux valent tousiours
 vn noble Dangleterre

[Art. 4] Item est accorde que nostre dit filz le Roy Henry par toutes
 voies moyens & manieres quil pourr[a] sans transgression ou offense
 du Serement par lui fait de obseruer les lois Coustumes & drois de sondit
 royaume dangleterre labourera & pouruerra que nostre dicte fille Kather-
 ine sa compaigne le plus tost que faire se pourra soit en tout euenement
 pleinement assuree de percevoir & auoir en sond[it] royaume dangleterre
 du temps de son trespas le douaire deuantdit de quarante mil escus
 annuel desquelz les deux valent tousiours vn noble dangleterre

[Art. 5] Item est accorde que sil aduient que nostre dicte fille suruiue
 a nostre dit filz le Roy Henry elle perceura & aura ou Royaume de france

¹ *pesans* written over an erasure.

² *apres* written over an erasure.

³ *aura* written over an erasure.

Charles, By the Grace of god, King of France, To Perpetual Memory. Although to restore peace and remove dissensions between the Realms of france and england several notable and divers treaties have been made in the past Between our noble progenitors of good memory and those of the most excellent prince and our most dear son Henry, King of England, heir of france, and also between us and our said son, which have not borne the fruit of peace desired, We Notify all men present and future that nevertheless we, considering and weighing in our heart what great and Irreparable evils, what great enormities and what a grievous universal and Incurable wound the division of the two Realms abovesaid has Heretofore brought upon not only the two Realms, but also all the church militant, We have lately resumed a treaty of peace with our said son Henry, in which treaty, after several conferences and discussions by the people of our council, He vouchsafing and giving effect to our desires, who promises peace to men of good will, it is finally Concluded and agreed Between us and our said son for the achievement of the said desired peace in the manner following :—

[Art. 1] First, that, as by the bond of marriage made for the good of the said peace Between our said son, King Henry, and our most dear and beloved daughter, Katherine, He has become our son and that of our most dear and beloved consort, the Queen, our said son shall have, and honour us and our said consort as father and mother, and as it is fitting for such and so great a prince and princess to be honoured, and before all temporal persons of the world.

[Art. 2] Also, that our said son, King Henry, shall not disturb, Disquiet or prevent us from holding and possessing, so long as we shall live, as we hold and possess at present the Crown and royal dignity of france and the revenues, fruits and profits of the same for the Maintenance of our estate and charges of our Realm ; And our said consort also from holding, so long as she shall live, the estate and dignity of Queen according to the custom of the said Realm, With a suitable portion of the said revenues and profits.

[Art. 3] Also, it is agreed that our said daughter, Katherine, shall have and take over in the Realm of england, as the Queens of england in time past were wont to take and receive, That Is To Say, the Sum of 40,000 crowns a year, two of which shall always be worth one English noble.

[Art. 4] Also, it is agreed that our said son, King Henry, by all possible ways, means and methods, without transgressing or violating the Oath taken by him to keep the laws, Customs and rights of his said realm of england, shall labour and contrive that our said daughter, Katherine, his consort, as soon as may be, shall be fully assured, in any event, to take and to have in his said realm of england from the time of his death the aforesaid dower of 40,000 crowns yearly, two whereof shall always be worth one english noble.

[Art. 5] Also, it is agreed that, if it happen that our said daughter outlive our said son, King Henry, she shall take and have in the Realm

tantost apres le trespas de nostre dit filz douaire de la Somme de vint mil frans par an de sur les [terres] lieux & Seigneuries que tint & eust en douaire nostre treschiere dame de bonne memoire Blanche [Iadis] femme de phelippe de bonne memoire Iadiz Roy de france nostre treschier seigneur & grant ayeul

[Art. 6] Item est accorde que tantost apres nostre trespas et deslors en auant la Couronne & Royaume de france avec tous leurs drois & appartenances demourront et seront perpetuelment de nostre dit filz le Roy Henry et de ses hoir[s]

[Art. 7] Item que pour ce que nous sommes tenuz & empeschiez le plus du temps par telle maniere que nous ne pourrons en nostre personne vacquier ne entendre a la disposition des besongnes de nostre Royaume La faculte & exerciss[e] de gouverner & ordonner la chose publique dudit Royaume seront & demourront nostre vie durant A nostre dit filz le Roy Henry avec le Conseil des nobles & sages du dit royaume a nous obeissans qui auront ame le prouffit & honneur dudit Royaume par ainsi que desmaintenant et deslors en auant Il puisse Icelle regir & gouverner par lui mesmes et par autres quil y voudra depputer Avec le conseil des nobles & Sages dessusd' lesquelz faculte & excercice de gouverner a[is]nisi estans pardeuers nostre dit filz le Roy Henry Il labourera eff[e]ctuellement diligemment & loyaument a ce quil puist et doye estre a lonneur de dieu de nous et de nostre dicte compaignie et aussi au bien publique dudit Royaume et a deffendre transquiller & appaissier & gouverner Icellui Royaume selon lexigence de Iustice & d[e]quite Avec le Conseil & ayde des grans seigneurs barons & nobles dudit Royaume

[Art. 8] Item que nostre dit filz fera de son pouoir que la court du parlement de france en tous et chascun lieux subgiez a nous maintenant ou ou temps aduenir sera obseruee & gardee es auctorite & Souuerainete delle et a elle d[e]ues en tous & chascun lieux a nous subgiez maintenant ou ou temps auenir

[Art. 9] Item que nostre dit filz de son pouoir deffendra & conseruera tous & chascuns pers nobles Citez villes Communitiez et singulieres personnes a nous maintenant ou ou temps auenir subjectes en leurs drois coustumes priuileges preeminences libertez & franchises a eulx appartenans ou deuz en tous les lieux subgiez a nous maintenant ou ou temps auenir

[Art. 10] Item que nostre dit filz diligemm[ent et] loyaument labourera et fera son pouoir que Iustice sera administree audit royaume de france selon les loiz Coustumes et drois dudit Royaume de france sans acception de personnes et conserura & tendra les subgiez de] nostre dit Royaume en paix transquillite et de son pouoir les gardera & deffendra de violences & oppressions quelzconques

[Art. 11] Item est accorde que nostre dit filz le Roy Henry pourerra et fera de son pouoir que aux offices de la Iustice de parlement des bailliages seneschauciees preuostez et autres appartenans au gouvernement de Seigneurie et aussi a tous autres offices dudit royaume seront prises personnes habiles & prouffitables & ydoines pour le bon Iuste & transquille regime dudit Royaume et des administracions qui leur seront a Commettre et quilz soient telz quilz doivent estre depputez et prins selon

of france immediately after the death of our said son, dower to the Value of 20,000 francs yearly out of the lands, places and Lordships that Blanche, Relict of philip, of good memory, Some time King of france, our most dear lord and great-grandfather, held and had.

[Art. 6] Also, it is agreed that, immediately after our death and thenceforward, the *Crown and Realm of france with all their rights and appurtenances* shall remain and be of our said son, King Henry, and of his heirs, in perpetuity.

[Art. 7] Also, that, as we are restrained and incapacitated most of the time so that we cannot devote ourselves, or attend personally, to the despatch of the affairs of our Realm, The faculty and exercise of the government and despatch of the public affairs of the said Realm shall be, and remain, during our lifetime, To our said son, King Henry, with the Counsel of the nobles and wise men of the said realm who are obedient to us and who shall cherish the well-being and honour of the said Realm, so that from now on and henceforward He may conduct and govern Them by himself and by such others as he shall wish to appoint, With the counsel of the abovesaid nobles and Wise Men ; which faculty and exercise of government being thus in the hands of our said son, King Henry, He shall labour effectively, diligently and faithfully towards what may and should be owing to the honour of god, of ourselves and of our said consort, and also to the common benefit of the said Realm, and to defend, quieten, pacify and govern That Realm as Justice and equity shall require, With the Counsel and assistance of the great lords, barons and nobles of the said Realm.

[Art. 8] Also, that our said son shall do everything in his power to see that the court of parliament of france, in all and singular places subject to us now and in the future, be kept and maintained in the authority and Sovereignty belonging and due to it in all and singular places subject to us now or in the future.

[Art. 9] Also, that our said son shall do everything in his power to defend and preserve all and singular peers, nobles, Cities, towns, Commonalties and individuals, subject to us now or in time to come, in their rights, customs, privileges, pre-eminences, liberties and franchises belonging or due to them in all places subject to us now or in the future.

[Art. 10] Also, that our said son shall diligently and faithfully labour and do his utmost to cause Justice to be administered in the said realm of france according to the laws, Customs and rights of the said Realm of france, regardless of persons, and shall keep and hold the subjects of our said Realm in peace and quiet, and do everything in his power to guard and protect them against violence and oppression of any kind.

[Art. 11] Also, it is agreed that our said son, King Henry, shall contrive and do everything in his power to see that the Judicial appointments, in parliament, in the bailiwicks, seneschalships, provostships, and others belonging to the Seignorial government and also all other offices of the said realm, shall be entrusted to Competent, profitable and suitable persons for the good, Just and quiet government of the said Realm and of the administration which shall be Committed to them, and that they

les lois & drois dudit Royaume et pour le prouffit de nous & de nostre Royaume

[Art. 12] Item que nostre dit filz labourera de son pouoir et le plus tost que faire se pourra prouff[it]ablement mettre en nostre obeissance toutes et chascunes Citez villes chasteaulx lieux pays et personnes dedans nostre Royaume desobeissans a nous & rebelles tenans la partie ou estans de la partie vulgaument appelee du daulphin ou darmignac

[Art. 13] Item Afin que nostre dit filz puisse faire excercer & accomplir les choses dessusd' plus prouffitablement seurement et franchement Il est accorde que les grans seigneurs Barons nobles et les estas dudit royaume tant spirituelz que temporelz Et aussi [l]es Citez nobles communitez les Citoyens & bourgeois des villes dudit Royaume a nous obeissans pour le temps feront les seremens qui sensuiuent

[Art. 14] Premièrement a nostre dit filz le Roy Henry ayant la faculte & exercice de disposer & gouverner ladicte chose publique et a ses Commandemens & mandemens en toutes choses concernans l'exercice du gouvernement dudit Royaume et par toutes choses obeiront et entendent humblement & obeissement

[Art. 15] Item et que les choses qui sont ou seront appointiees entre nous & nostre compaigne la Royne et nostre dit filz le Roy [He]nry avec le conseil de ceulx que nous & nostre dicte compaigne et nostre dit filz aurons a ce commis lesdiz grans Seigneurs barons nobles & estas de nostre Royaume tant spirituelz Comme temporelz et aussi les Citez nobles Communitez le Citoyens et bourgeois des villes dudit Royaume en tant que a eulx & chascun deulx pourra touchier en tout & par tout bien & loyaument garderont et feront de l[e]ur pouoir garder par tous autres quel[z]conques

[Art. 16] Item que continuellement des nostre trespas et apres icellui Il[s] seront feaulx hommes liges de nostre dit filz & de ses hoirs et Icelui nostre filz tendront pour leur seigneur lige & souuerain et vray Roy de france sans aucune opposition ou contradicion ou difficulte receuront et comme a tel obeiront et que apres ses choses Iamais nobeiront a autre que a nous comme a Roy ou Regent le Royaume de france senon a nostre dit filz le Roy Henry & ses hoirs

[Art. 17].Item quilz ne seront en conseil ayde ou consentement que nostre dit filz le Roy Henry parde vie ou membre ou soit prins de mauuaise prinse ou quil sueffre dommage ou dimin[uci]on en personne estat honneur ou biens mais silz sc[e]uent que aucune telle chose soit contre luimaschinee ou parforcee Ilz lempescheront de leurs pouoirs et lui feront sauoir le plus tost quilz pourront par eulx mesmes messages ou lettres

[Art. 18] Item est accorde que toutes & chascune conquestes qui se feront par nostre dit filz le Roy Henry hors la duchie de normendie ou Royaume de france sur les desobeissans seront & se feront a nostre prouffit et que nostre dit filz a son pouoir fera que toutes & chascunes terres et seigneuries estans es lieux qui sont ainsi a conquerir appartenans aux personnes a nous presentement obeissans qui Iureront garder

be persons such as ought to be appointed and chosen according to the laws and rights of the said Realm and for the profit of ourselves and of our Realm.

[Art. 12] Also, that our said son shall do everything in his power, and as soon as profitably may be, to place in obedience to us all and singular Cities, towns, castles, places, countries and persons within our Realm, disobedient and rebellious to us, holding to the party commonly called of the dauphin or of armagnac¹.

[Art. 13] Also, in order that our said son may exercise and fulfil the matters abovesaid more profitably, surely and freely, It is agreed that the great lords, Barons, nobles and estates of the said realm, spiritual as well as temporal, And also the Cities, noble commonalties and the Citizens and burgesses of the towns of the said Realm, obedient to us at present, shall take the oaths following :

[Art. 14] First, they shall humbly and obediently heed and obey our son, King Henry, who has the faculty and exercise, of the despatch and government of the said public affairs, and heed and obey his Orders and commands in all matters concerning the exercise of the government of the said Realm and in all things.

[Art. 15] Also, and that the said great Lords, barons, nobles, and estates of our realm, spiritual as well as temporal, and also the Cities, noble Commonalties, the Citizens and burgesses of the towns of the said Realm, in so far as they and each of them may be concerned in every respect and by all means, shall well and faithfully keep, and do their utmost to cause to be kept by all others whatsoever, the matters which are, or shall be, agreed between ourselves and our consort, the Queen, and our said son, King Henry, with the counsel of those who shall be appointed therefor by ourselves, our said consort and our said son.

[Art. 16] Also, that continually from our death and after It They shall be faithful liege men of our said son and of his heirs, and shall hold This our son for their liege and sovereign lord, and shall receive him as the true King of france without opposition, contradiction or demur, and shall obey him as such ; and that thereafter they shall Never obey anyone else but ourselves as King or Regent of the Realm of france, except our said son, King Henry, and his heirs.

[Art. 17] Also, that they shall not give counsel, aid or consent whereby our said son, King Henry, lose life or limb, or be treacherously captured, or suffer harm or diminution of his person, estate, honour or possessions ; but, if they know that any such thing be plotted or perforced, They shall do their utmost to prevent it and shall inform him as soon as they can in person or by representatives or by letters.

[Art. 18] Also, it is agreed that all and singular conquests which shall be made by our said son, King Henry, outside the duchy of normandy² in the Realm of france, from the rebels, shall be, and shall be made, for our benefit ; and that our said son shall do his utmost to cause all and singular lands and lordships, being in the places which are thus to be conquered and belonging to persons now obedient to us who

¹ *darmignac.*

² *normandie.*

ceste presente concorde seront restituez ausd' personnes a qui elles appartiennent

[Art. 19] Item est accorde que toutes & chascunes personnes ecclesiastiques beneficiees ou duchie de normendie ou autres lieux quelxconques ou Royaume de france subgiez a nostre dit filz a nous obeissans & fauorisant la partie de nostre treschier & tresame filz le duc de bourgongne qui Iureront garder ceste presente concorde Ioyront paisiblement de leurs benefices ecclesiastiques estans ou dit duchie de normendie ou lieu deuantdiz

[Art. 20] Item que Semblablement toutes & chascunes personnes ecclesiastiques obeissans a nostre dit filz le Roy Henry et beneficiez ou Royaume de france & lieux a nous subgiez qui Iureront garder ceste presente concorde Ioyront paisiblement de leurs benefices ecclesiastiques estans es lieux deuantdiz

[Art. 21] Item que toutes & chascunes eglises vniuersitez et estudes generaulx et aussi colleges destudians et autres colleges ecclesiastiques estans es lieux a nous subgiez presentement ou pour le temps aduenir ou en la duchie de normendie ou autres lieux du Royaume de france subgiez A nostre dit filz le Roy Henry Ioyront de leurs drois possessions Rentes prerogatiues libertez preeminences et franchises a eulx ou Royaume de france comment que ce soit appartenans ou deues sauue les drois de la couronne de france et de tous autres

[Art. 22] Item quant il aduendra que nostre dit filz le Roy Henry vendra a la couronne de france la Duchie de normendie et aussi les autres & chascuns lieux par lui conquis ou Royaume de france seront soubz la Iuridicion obeissance et monarchie de la dicte couronne de france

[Art. 23] Item est accorde que nostre dit filz le Roy Henry de son pouoir se parforcera & fera que aux personnes a nous obeissans & fauorisans la partie deuant dicte que on appelle de bourgongne Auxquelles appartenoient Seigneuries terres reuenues ou possessions en la dicte duchie de normendie ou autres lieux ou Royaume de france par Icellui nostre fil[z] le Roy Henry conquises Iapieca par lui donnees sera faicte sans diminucion de la Couronne de france Recompensacion par nous es [ie]ux terres acquises ou a acquerir en nostre nom sur les rebelles & desobeissans a nous Et se en nostre vie la dicte recompensacion nest faicte aux dessusdiz nostre filz le Roy Henry la fera es dictes terres et biens quant Il sera venuz a la Couronne de france mais se [les terr]es Seigneuries rentes ou possessions qui appartenoien[t] ausd' personnes es diz duchie & lieux nauoient este donnees par nostre dit filz les dictes personnes seront restituees A Icelles sans delay

[Art. 24] Item que durant nostre vie en tous le[s] lieux a nous [presente]ment ou pour le temps auenir subgiez les lettres co[mmunes de Iust]ice de dons doffices de benefices & autres donacions pardons ou remissions ou priuileges deuront estre escriptes soubz nostre nom & seel Toutesuoiies pour ce que aucuns cas singuliers pourroient aduenir qui par humain engin¹ ne peuvent pa[s to]us estre preueus lesquelz pourra estre neces-

¹ *engin* written over an erasure.

shall Swear to keep this present agreement to be restored to the said persons to whom they belong.

[Art. 19] Also, it is agreed that all and singular ecclesiastics benefited in the duchy of normandy¹ or in any other places in the Realm of france which are in the power of our said son, and obedient to us and favouring the party of our most dear and beloved son, the duke of burgundy², who shall Swear to keep this present agreement, shall peaceably Enjoy their ecclesiastical benefices situated in the said duchy of normandy¹ or in the aforesaid places.

[Art. 20] Also, that Similarly all and singular ecclesiastics obedient to our said son, King Henry, and benefited in the Realm of france and in places subject to us, who shall swear to keep this present agreement, shall peaceably Enjoy their ecclesiastical benefices situated in the aforesaid places.

[Art. 21] Also, that all and singular churches, universities and places of general study, and also colleges of students and other ecclesiastical colleges, situated in places subject To us now or in the future, whether in the duchy of normandy¹ or in other places of the Realm of france, subject to our said son, King Henry, shall Enjoy their rights, possessions, revenues, prerogatives, liberties, preeminences and franchises, to them in the Realm of france howsoever belonging or due, saving the rights of the crown of france and of all others.

[Art. 22] Also, when it shall happen that our said son, King Henry, come to the crown of france, the Duchy of normandy¹ and also the other places and each of them conquered by him in the Kingdom of france shall be under the Jurisdiction, obedience and monarchy of the said crown of france.

[Art. 23] Also, it is agreed that our said son, King Henry, shall contrive and do his utmost to see that, to the persons who are obedient to us and favour the aforesaid party which is called of burgundy², and To Whom belonged Lordships, lands, revenues or possessions in the said duchy of normandy¹ or in other places conquered by This our said son, King Henry, in the Realm of france, and Already given by him, there shall be made, without diminution of the Crown of france, Recompense by us out of the places or lands acquired, or to be acquired, in our name from those who are rebels and disobedient to us ; And, if during our lifetime, the said recompense be not made to the abovesaid persons, our son, King Henry, will pay it out of the said lands and possessions when He come to the Crown of France ; but if the lands, Lordships, revenues or possessions which belonged to the said persons in the said duchy and places have not been given by our said son, they shall be restored without delay by our said son to the said persons.

[Art. 24] Also, that, during our lifetime, in all places subject to us now or in the future, the common letters of justice, of grants of offices and benefices and of other donations, pardons or remissions or privileges, shall be written in our name and under our seal. Since, however, some singular cases may occur which cannot all humanly be foreseen, and in which it may be necessary and expedient for our said son, King Henry,

¹ *normandie.*

² *bourgogne.*

saire & conuenable que [nostre dit filz] le R[oy] He[nry] fa[ce] escripre ses lettres en telz cas saucuns en auient Il sera loisible a nostre dit filz pour le bien et seurete de nous et du gouuernement a lui comme dit est appartenant et pour eiter les peril[s] & dommages qui autrement p[ourraient] vraysemblablement auenir escripre ses lettres a noz subgiez par [lesquelles il co]mma[n]dera & deffendra & mandera de par nous et de par lui comme regent selon la nature & qualite de la besogne

[Art. 25] Item que de toute nostre vie nostre dit filz le Roy Henry ne se nommera ou escripra aucunement ou fera nommer ou escripre Roy de france mais du dit nom de tout poins se abs[ten]dra tant [comme] nous [viu]ro[ns]

[Art. 26] Item est accorde que nous durant nostre vie nommerons appellerons ou escriprons nostre dit filz le Roy Henry en langue francoise par ceste maniere nostre treschier filz Henry Roy dangleterre Heritier de france Et en langue latine par ceste maniere noster precarissimus filius Henricus rex anglie heres francie

[Art. 27] Item que nostre dit filz ne Imposera ou fera Imposer aucunes impositions ou exaccions a noz subgiez sans cause raisonnable & necessaire ne autrement que pour le bien publique du dit Royaume de france et selon lordonnance ou exigence des loys & coustumes raisonnables & ap[pr]ouuees du dit Royaume

[Art. 28] Item et afin que concorde paix & tranquillite entre lesdiz Royaumes de france et dangleterre soient pour le temps auenir perpetuellement obseruez et que lon obuie aux occasions¹ & commencemens par lesquelz entre lesdiz royaumes debaz discencions ou discors pourroient sourdre ou temps auenir que dieu ne vueille Il est accorde que nostre dit filz labourra par effect de son pouoir que de laduis & consentement des trois estas des deux Royaumes ostez l[e]s ostacles [e]n ceste partie soit ordonne & pourueu que du temps que nostre dit filz sera venu a la couronne de france ou aucuns de ses hoirs les deux² couronnes de france & dangleterre a tousiours mais perpetuellement demoureront ensemble et seront en vne mesme personne Cestassauoir en la personne de nostre dit filz le Roy Henry tant comme Il viura et de la en auant es personnes de ses hoirs qui successiement seront les vns apres les autres et que les deux Royaumes seront gouuerner depuis ce temps que nostre dit filz ou aucuns de ses hoirs peruendra ou peruendront ausdis royaumes non diuiseement s[ou]bz diuers Roys pour vn mesme temps mais soubz vne mesme personne qui sera pour le temps Roy & Souuerain seigneur de lun et de lautre Royaume comme dit est en gardant t[ou]t[e]suoies en toutes autres choses a lun et a lautre Royaume ses drois libertez ou coustumes vsages & loys non soubzmettant en quelque ma[nie]r[e] l[un] desdiz royaumes a lautre ne les d[it]es lois coustumes ou vsaiges de lun diceulx Royaumes aux drois lois coustumes ou vsages de lautre

[Art. 29] Item que des maintenant et a tout temps perpetuellement se tairont appaiseront et de tout point cesseront toutes discencions haines Rancunes Inimitiez & guerre dentre lesdis Royaumes de france & dangleterre Et les pueples diceulx Royaumes adherens a la dicte concorde

¹ occasions written over an erasure.

² les deux repeated on each side of an erasure.

to write his letters, if such cases occur, our said son shall be allowed for the good and security of ourselves and of the government belonging to him, as has been said, and in order to avoid the dangers and harms which otherwise would be likely to ensue, to write his letters to our subjects by which he shall command, forbid and order in our behalf, and in his own as regent, according to the nature and quality of the business.

[Art. 25] Also, that, all our life, our said son, King Henry, shall not call or write himself King of France, nor cause himself to be so called or written, but shall abstain from using the said name so long as we live.

[Art. 26] Also, it is agreed that, during our lifetime, we shall name, call or write our said son, King Henry, in french thus : *notre treschier filz Henry Roy dangleterre, heritier de france* ; And in latin, thus : *noster precarissimus filius Henricus rex anglie heres francie*.

[Art. 27] Also, that our said son shall not Impose any taxes or exactions, or cause them to be Imposed, on our subjects without a reasonable and necessary cause or otherwise than for the common good of the said Realm of france and according to the ordinance or requirements of the laws and reasonable and approved customs of the said Realm

[Art. 28] Also, and in order that concord, peace and quiet between the said Realms of france and england be in the future perpetually observed, and that occasions and beginnings by which debates, dissensions or discords might arise in the future (which god forbid) be obviated, it is agreed that our said son shall effectively devote his best efforts so that, with the advice and consent of the three estates of the two Realms, the obstacles in this connexion being removed, it shall be ordained and provided that, from the time when our said son or any of his heirs shall come to the crown of france, the two crowns of france and england shall always and perpetually remain and be united in one and the same person, That Is To Say, in the person of our said son, King Henry, so long as He live, and thenceforward in the persons of his heirs who shall succeed one another ; and that the two Realms shall be governed from that time when our said son or any of his heirs shall come to the said Realms, not separately under different Kings for one and the same period, but under one and the same person who, for the time being, shall be King and Sovereign lord of both Realms, as is said, keeping, however, in all other matters the rights, liberties, customs, usages and laws of each Realm, without subordinating in any way one of the said realms to the other, or the said laws, customs or usages of one of those Realms to the rights, laws, customs or usages of the other.

[Art. 29] Also, that, from now on and at all times in perpetuity, they shall keep silent upon, pacify and altogether put an end to all dissensions, hatreds, Rancours, Emities and war between the said Realms of france and england And the people of those Realms adhering to the

Et entre les royaumes dessusdiz sera & aura des maintenant et a toujours mais perpetuellement paix tranquillite concorde affection mutuelle et amitez fermes & estables et se ayderont lesdis deux Royaumes de leurs aydes [c]onseilz et [a]ssistences mutuelles contre toutes personnes qui a eulx on a lun deulx sefforceroient de faire donner violence Iniure grief ou dommage et Conuerseront et marchanderont ensemble les vns avec les autres franchement & seurement en payant les coustumes & deuoirs acoustumez

[Art. 30] Item que tous les confederez et aliez de nous et dudit Royaume de france et aussi les confederez de nostre dit filz le Roy Henry et dudit royaume dangleterre qui dedens huit mois apres le temps que ceste presente concorde leur sera signifiee Ilz auront declairie se vouloir fermement adherer a lad' concorde et estre comprins soubz le traittie & concorde dicelle paix soient comprins soubz les amistiez confederacions seurete & concorde dicelle paix sauue toutesuoies a lune & a lautre desd' couronnes a nous et a noz subgiez et aussi a nostre dit filz le Roy Henry et a ses Subgiez ses accions drois & remedes quelzconques conuenables en ceste partye et competans en q[ue]lque maniere que ce soit enuers lesd' aliez & confederez

[Art. 31] Item Il est accorde que nostre dit filz le roy Henry avec le conseil de nostre treschier filz philipe duc de bourgongne et des autres nobles du Royaume qui conuendra et appartendra pour ce estre appelez pouruerra pour le gouvernement de nostre personne seurement Conuenablement & Honnestement selon lexigence de nostre estat & dignite royal par telle maniere que ce sera lonneur de dieu & de nous et aussi du Royaume de france et des subgiez dicellui Et que toutes personnes tant nobles comme autres qui seront entour nous pour nostre personne & domes[ti]que seruiue non pas seulement en offices mais en autres ministres seront telz qui auront este nez ou Royaume de france ou des lieux de langaige¹ francois bonnes personnes sages loyales et ydoines audit² seruiue

[Art. 32] Item que nous demourrons & [r]esiderons personnelment e[n] lieu notable de [nos]tre obeissance et non ailleurs

[Art. 33] Item Considerez les orribles & enormes crimes et deliz perpetrez ou dit Royaume de france par charles soy disant daulphin de viennois Il est accorde que nous ne nostre dit fil le Roy Henry ne aussi nostre treschier filz philipe duc de bourgongne ne traitterons aucunement de paix ou de concorde avec led' charles ne ne ferons ou feront traittier se non du conseil et assentement de tous & chascun de nous trois et des trois estas des deux Royaumes³ dessusd'

[Art. 34] Item est accorde que nous sur les choses dessusd' et chascune dicelles outre noz lettres patentes scellees de nostre grant scel [donrons] & ferons donner et faire a nostre dit filz le Roy Henry lettres patentes approbatoires & affirmatoires⁴ de nostred' compaignie de nostre dit filz philipe duc de bourgongne et des autres de nostre sang royal des grans Seigneurs barons citez & villes a nous obeissans desquelz nostre dit filz le Roy Henry vouldra auoir lettres de nous

¹ *langaiges* altered to *langaige*.

² *audit* written over an erasure.

³ The fourth and fifth letters of *Royaumes* written over an erasure.

⁴ The first three letters of *affirmatoires* written over an erasure.

said agreement. And, between the abovesaid realms, there shall be from now on, and for ever, peace, quiet, concord, mutual affection and a firm and stable friendship; and the said two Realms shall help each other with aid, advice and mutual assistance against all persons who might try to cause violence, Injury, harm or damage to be done to them or to one of them; and there shall be free and safe intercourse and commerce between them, the usual customs and duties being paid.

[Art. 30] Also, that all our confederates and allies and those of the said Realm of france and also the confederates of our said son, King Henry, and of the said Realm of england, who within eight months after being notified of the present agreement shall have declared themselves to be willing to adhere firmly to the said agreement and to be included in the treaty and agreement of this peace, shall be included in the friendships, confederations, surety and agreement of this peace, saving, however, to each of the said crowns, to us and our subjects and also to our said son, King Henry, and his Subjects, their actions, rights and remedies whatsoever, suitable in this behalf and competent in whatsoever manner, as against the said allies and confederates.

[Art. 31] Also, It is agreed that our said son, King Henry, with the counsel of our most dear son, philip, duke of burgundy¹, and of the other nobles of the Realm whom it shall be right and proper to summon therefor, shall provide for the government of our person safely, Suitably and Decently according to the requirements of our estate and royal dignity, in such a manner that it shall be to the honour of god and of ourselves, and also of the Realm of france and of its subjects. And that all the persons, nobles and others who shall be about us for our personal and domestic service, not only in offices but in other capacities, shall be such as have been born in the Realm of france or in french-speaking places, good, wise and faithful persons, suitable for the said service.

[Art. 32] Also, that we shall stay and reside personally in a notable place of our obedience and not elsewhere.

[Art. 33] Also, Considering the horrible and enormous crimes and offences committed in the said Realm of france by charles, who calls himself dauphin of the *viennois*, It is agreed that neither we nor our said son, King Henry, nor also our most dear son, philip, duke of burgundy¹ shall negotiate, or cause to be negotiated, in any way, peace or agreement with the said charles, save with the counsel and assent of each and all of the three of us and of the three estates of the two kingdoms abovesaid.

[Art. 34] Also, it is agreed that concerning the abovesaid matters and each of them, we shall give or cause to be given and made to our said son, King Henry, besides our letters patent sealed with our great seal, the letters patent approbatory and confirmatory of our said consort, of our said son, philip, duke of burgundy¹, and of the others of our blood royal, of the great Lords, barons, cities, and towns obedient to us, whose letters our said son, King Henry, shall wish to obtain from us.

¹ *bourgongne*.

[Art. 35] Item que semblablement nostre dit filz le Roy Henry pour sa partie oultre ses lettres patentes¹ scellees de son grant seel nous fera donner et faire lettres patentes aprobatoires & affirmatoires² de ses treschiers freres et des autres de son sang royal des grans seigneurs barons et des citez & villes a lui obeissans desquelles en ceste partie nous vouldrons auoir lettres de nostre dit filz le Roy Henry

[Art. 36] Toutes lesquelles et chascune des choses dessus¹ escriptes Nous charles Roy de france dessusdit pour nous et noz hoirs en tant que pourra toucher nous & noz diz hoirs sans dol sans fraude ou mal engien auons promis & promett[ons en parole] de Roy Iure³ & Iurons aux saintes euuangles de dieu par nous corporelement touchiez faire accomplir et obseruer et que Icelles ferons par noz subgiez acomplir & obseruer Et aussi que nous ne noz⁴ heritiers ne vendrons Iamais au contraire des choses dessusd' ou daucunes dicelles en quelque man[iere] en Iugement ou hors Iugement directement ou par oblique ou par quelque couleur exquise

[Art. 37] Et afin Que ces choses soient fermes & estables a tousiours perpetuellement nous auons fait mettre nostre seel a ces presentes Donne A Troyes le xxim^e Iour du mois de may lan de Grace mil quat[re] Cens vint Et de nostre Regne le Qua[rantisme]

[*On the fold.*] Par le Roy en son conseil

I. RINEL

[*Sealed with the Great Seal of Charles VI in green wax, appended by green and red silk laces*]

[*Endorsed.*] Confirmacio tractatus pacis amicie et matrimonij de data. 1420.⁵

¹ Followed by an erasure.

² The first three letters of *affirmatoires* written over an erasure.

³ *Iure* written over an erasure.

⁴ *ne noz* repeated.

⁵ In a later hand.

[Art. 35] Also, that similarly our said son, King Henry, on his part, shall cause to be made and given to us, besides his letters patent sealed with his great seal, the letters patent approbatory and confirmatory of his most dear brothers and of the others of his blood royal, and of the great lords, barons, and of the cities and towns obedient to him, whose letters we shall wish to obtain in this respect from our said son, King Henry.

[Art. 36] All and each of which matters above-written We, Charles, King of France abovesaid, for ourselves and for our heirs, in so far as we and our said heirs may be concerned, without deceit, fraud or bad faith, have promised and promise on our word of King, Have Sworn and Swear on the holy gospels of God actually touched by us, to do, fulfil and observe and to cause Them to be fulfilled and observed, by our subjects; And also that neither we nor our heirs shall Ever contravene the things abovesaid, or any of them, in any way, in Court or out of Court, directly or indirectly, or on any far-fetched pretext.

[Art. 37] And in order That these things may be firm and stable for ever and in perpetuity, we have caused our seal to be set to these present letters. Given at Troyes on the 21st day of the month of May in the year of Grace One Thousand four Hundred and twenty, And of our Reign the Fortieth.

[*On the fold :*] By the King in council

J. RINEL.

ANNEX A 4

**Monition of Pope Sixtus IV, 27th February, 1481, ordering certain
Pirates to cease their Raids on the Channel Islands, under pain of
Excommunication, &c.**

[*Cal. Papal Registers*, xiii, pt. I, p. 258]

1480[-1].
3 Kal. Mar.
(27 Feb.)
St. Peter's
Rome.
(f. 406 v.)

Monition, etc., as below. The recent petition of Edward¹, king of England, and the inhabitants ecclesiastical and secular of the islands of Guernesey², Gersey³ and Annerey(*sic*)⁴, and the islands adjacent thereto, in the diocese of Coutances, contained that divers pirates, etc. frequently attack the said islands, the church called St. Peter's Port in the said island of Guernesey, and other churches and monasteries in that and the said other islands, the inhabitants of the said islands, and the merchants who go to and from the same, carrying off booty (including chalices and other ornaments for divine worship) and prisoners, and wounding and slaying, etc. The pope, therefore, hereby monishes and orders the said pirates, etc., and their abettors to abstain from such attacks, etc., under pain of *eo ipso* sentence of excommunication, anathema, eternal malediction, confiscation, etc.; with mandate to the archbishop of Canterbury, the bishop of Salisbury and the archpriest of the basilica of the Prince of the Apostles *de Urbe*, to publish these presents, and cause them to be executed, restitution to be made, etc., and faculty for the said executors to absolve those who make satisfaction, enjoining penance, etc. Moreover, in order that the pope's processes may come to the knowledge of all, he orders the papal letters containing them to be posted on the doors of the said basilica and of the churches of Canterbury, London, Salisbury, Nantes, St. Pol-de-Léon, Tréguier, and St. Peter's Port in the said island of Guernesey².
Ad perp. rei mem. Ad bonorum tutelam.

¹ Edward IV (1461-1483).

² Guernsey.

³ Jersey.

⁴ Alderney. The form, as printed above, is probably a misreading of Aunery.

ANNEX A 5

**Order in Council, 8th August 1689, Abolishing the Privilege of Neutrality
in the Channel Islands**[*Privy Council Register* 2/73, f. 209]

Whereas on the 30th of May last his Mat^y in Council was pleased to order that their Mat^{ys} Proclamation bearing date the 18th of the said Month for Prohibiting the Importation of any Commodities of the Growth and manufacture of France should be forthwith sent to the Bayliffs & Jurats of the Islands of Jerzey and Guernzey, who were thereby required to Cause the said Proclamation then sent unto them, to be there published and strictly observed and put in Execution ; His Mat^y in Council, upon the humble Petition of the Inhabitants of the Island of Guernzey, Is this day pleased to Declare That (being at this time strictly obliged in His Treaties with His Allies and Confederats to Prohibit in all His Dominions all manner of Trade and Commerce whatsoever with France) Hee does not think it fit and Expedient to Dispense with the Execution of His said Order, in this present and Extraordinary Juncture of time ; Yet, that it is not His Mat^{ys} Intention in any manner whatsoever to Revoke or Infringe any Priviledges that may have been granted by His Royall Predecessors to the Inhabitants of the said Island of Guernzey/

Guernzey,
about ^e
y
Priviledges
of that Island.

ANNEX A 6

Bull of Pope Alexander VI, 20th January, 1500, Transferring the Channel Islands from the Diocese of Coutances to the Diocese of Winchester

[*P.R.O. Special Collections No. 7 (Papal Bulls, 1131-1533), Box 4, No. 2*]

ALEXANDER Episcopus Servus Servorum Dei Ad Perpetuam Rei Memoriam Ex iniuncto nobis desuper apostolice seruitutis officio ad ea libenter intendimus per que quieti et tranquillitati status Catholicorum Regum et Principum oportune consulatur ac scandalis periculis et dissensionibus que ex inde euenire possent obuietur. Cum itaque sicut exhibita nobis nuper pro parte Carissimi in christo Filij nostri Henrici Anglie Regis Illustris petitio continebat Insule de Gersey et Gernesey Chausey Aourney Erme et Ferke [*sic*]¹ Constantiensis diocesis prouincie Rothomagensis que sub suo temporali dominio existunt Episcopo Constantiensi pro tempore existenti in spiritualibus subesse noscantur et propter dissensiones que inter Anglicos² et Gallos sepenumero uigent statui prefati Henrici et pro tempore Regis Anglie existentis non modicum periculum iminere posset dictarumque Insularum Incole in uisitacionibus et alijs spiritualibus maxima pati possent detrimenta nec expediat quod Insule predictae a Gallis uisitentur et propterea pro securitate quiete et tranquillitate prefati Regis statusque sui necesse sit ut insule predictae a iurisdictione prefati Episcopi dimembrentur et separentur ac Episcopo Wintonensi pro tempore existenti cuius diocesis dicte Insule sunt uicine perpetuo subiciantur quemadmodum alias Villa Calesie olim Archiepiscopo Turonensi subiecta ab ipso Turonensi Archiepiscopo exempta et Archiepiscopo Cantuariensi pro tempore existenti apostolica auctoritate subiecta fuit Nos qui scandalis et dissensionibus ne eueniant quantum cum deo possumus libenter obuiamus huiusmodi supplicationibus inclinati Insulas predictas illarumque Incolas et habitatores tam ecclesiasticos quam seculares a iurisdictione prefati Constantiensis Episcopi auctoritate apostolica tenore presentium perpetuo eximimus et separamus ac dicto Episcopo Wintonensi subijcimus applicamus et appropriamus districtius inhibentes prefato Episcopo Constantiensi ne de cetero de Insulis predictis illarumque Incolis et habitatoribus se intrmittere ac ullam in eos iurisdictionem exercere quoquo modo presumat ac decernentes ex nunc irritum et inane si secus super hijs a quoquam quauis auctoritate scienter uel ignoranter contigerit attemptari Non obstantibus premissis necnon subiectione per nos alias de dictis Duabus Insulis de Gersey et Gernesey Episcopo Saresburiensi pro tempore existenti ad supplicationem prefati Regis facte quam de ipsius Regis consensu omnino reuocamus cassamus et annullamus ac apostolicis necnon in prouincialibus et Sinodalibus Concilijs editis generalibus uel specialibus Constitutionibus et ordinationibus ceterisque contrarijs quibuscunque Nulli ergo omnino hominum liceat hanc paginam nostre exemptionis

¹ *Serke.*

² *inter Anglicos* written as a single word.

ANNEX A 6

Bull of Pope Alexander VI, 20th January, 1500, Transferring the Channel Islands from the Diocese of Coutances to the Diocese of Winchester[*P.R.O. Special Collections No. 7 (Papal Bulls, 1131-1533), Box 4, No. 2*]

[Translation]

ALEXANDER, Bishop, Servant of the Servants of God To the Perpetual Remembrance of the Matter.

By the office of apostolic service laid upon us, we willingly attend to those things through which the peace and tranquillity of the estate of Catholic Kings and Princes may in season be furthered, and scandals, dangers and dissensions which could arise there be prevented. Whereas, therefore, as was contained in the petition shewn to us recently in the behalf of our Most Dearly Beloved Son in christ, Henry¹, Illustrious King of England, the Islands of Jersey and Guernsey, Chausey, Alderney², Herm³ and Sark⁴, in the Diocese of Coutances⁵, in the province of Rouen⁶, which are under his temporal dominion, are known to be under the Bishop of Coutances for the time being in matters spiritual, and on account of the dissensions which often wax strongly between the English and the French, no slight danger could threaten the estate of the aforesaid Henry and of the King of England for the time being, and the Inhabitants of the said Islands in visitations and other matters spiritual could suffer very great harm, and it is not expedient that the Islands aforesaid should be visited by the French; and, on that account, for the security, peace and tranquillity of the aforesaid King and his estate, it is necessary that the aforesaid islands should be separated and detached from the jurisdiction of the aforesaid Bishop and should for ever be subjected to the Bishop of Winchester⁷ for the time being, to which diocese the said Islands are neighbouring, just as, at another time, the town of Calais, once subjected to the Archbishop of Tours⁸, was exempted from the same Archbishop of Tours and, by apostolic authority, subjected to the Archbishop of Canterbury for the time being. We, who so far as we can with god's help willingly prevent scandals and dissensions from arising, being inclined towards supplications of this kind by apostolic authority, by the tenor of these presents exempt and separate the aforesaid Islands and the Dwellers and inhabitants therein, as well ecclesiastical as lay, from the jurisdiction of the aforesaid Bishop of Coutances, and subject, apply and appropriate them to the said Bishop of Winchester; strictly prohibiting the aforesaid Bishop of Coutances from presuming in any way in future to intermeddle with the Islands aforesaid and the Dwellers and inhabitants therein or exercise any jurisdiction over them, and decreeing henceforward to be of no effect and void whatsoever shall happen to be otherwise attempted

¹ Henry VII (1485-1509).² Aourney.³ Erme.⁴ Ferke [*sic*].⁵ *Constantiensis*.⁶ *Rothomagensis*.⁷ *Wintonensi*.⁸ *Turonensi*.

separationis subiectionis applicationis appropriationis inhibitionis constitutionis reuocationis cassationis et annulationis infringere uel ei ausu temerario contraire. Si quis autem hoc attemptare presumerit indignationem omnipotentis dei ac beatorum Petri et Pauli Apostolorum eius se nouerit incursum Data Rome apud Sanctum petrum ¹ Anno Incarnationis dominice Millesimo quadringentesimo nonagesimo nono ² Tertio decimo ³ kalende Februarij Pontificatus nostri Anno Octauo†

L · PODOCATHARUS.

[*On the fold :*]

P. TUBA

[*Bulla of Pope Alexander VI appended*]

[*On the dorse :*] Registrata apud me · L : Podocatharum

ANNEX A 7

Charter of Piers des Préaux, 1203, granting the "island of Escrehou" to the Abbey of Val-Richer

[*Gallia Christiana*, xi, col. 94, No. XXXII (*Instrumenta*)]

Universis sanctæ matris ecclesiæ filiis ad quos præsens scriptum pervenerit, Petrus *de Pratel* in Domino salutem, Noverit universitas vestra me divinæ pietatis intuitu concessisse & dedisse, & præsentī charta mea confirmasse Deo & ecclesiæ sanctæ Mariæ de Valle-Richerii, & monachis ibidem Deo servientibus, pro salute animæ Johannis illustris regis Angliæ, qui insulas mihi dedit, & pro salute animæ meæ, & patris & matris meæ, & omnium antecessorum meorum, insulam *de Escrehou* integre, ad ædificandam ibidem basilicam in honore Dei & beatæ Mariæ, ita ut divina ibidem celebrantur mysteria singulis diebus, habendam & possidendam libere & quiete, plenarie & honorifice, in liberam & puram & perpetuam eleemosynam, & quidquid in eadem insula poterunt augmentare & ædificare. Item concessi prædictis monachis quidquid ab hominibus meis *de Gersy*, & *de Gernesé* [sic], & *de Aurene*, eis caritatis intuitu rationabiliter datum fuerit, salvo jure meo. Ut autem hæc mea donatio ratam futuris temporibus obtineat firmitatem, eam præsentī scripto & sigilli mei munimine

¹ *Sanctum petrum* written as a single word.

² *Millesimo . . . nono* written as a single word.

³ *Tertio decimo* written as a single word.

in this connexion by anyone through any authority, knowingly or unknowingly. Notwithstanding the foregoing nor the subjection by us at another time of the Two Islands of Jersey and Guernsey to the Bishop of Salisbury for the time being, made at the supplication of the aforesaid King which, with the consent of the same King, we altogether revoke, quash and annul; and notwithstanding apostolic, general or special constitutions and ordinances, whether apostolic or promulgated in provincial or Synodical Councils, and any other things whatsoever to the contrary. Therefore, let it be lawful for no man whatsoever to infringe this page of our exemption, separation, subjection, application, appropriation, prohibition, constitution, revocation, cessation and annulment or, with reckless audacity, to oppose it. But, if anyone shall presume to attempt this, let him know that he will incur the indignation of almighty god and of blessed Peter and Paul the Apostles. Given at Rome at St. Peter's, in the One Thousand four hundred and ninety-ninth Year¹ of the Incarnation of our lord, on the thirteenth day of the Kalends of February [20th January], in the Eighth Year of our Pontificate.

[*On the fold* :]

L. PODOCATHARUS.

P. TUBA.

[*On the dorse* :] Registered with me. L. Podocatharus.

ANNEX A 7

Charter of Piers des Préaux, 1203, granting the "island of Escrehou" to the Abbey of Val-Richer

[*Gallia Christiana*, xi, col. 94, No. XXXII (*Instrumenta*)]

[Translation]

To all the sons of Holy Mother Church to whom the present writing shall come Piers des Préaux [sends] greeting in the Lord. Know ye all that I, having regard to the mercy of God, have granted and given and by my present charter have confirmed to God and to the church of st. Mary of Val-Richer and to the monks there serving God, for the salvation of the soul of John, illustrious king of England, who gave me the islands², and for the salvation of the souls of myself and of my father and mother and of all my ancestors, the island of "Escrehou" in entirety, for the building there of a church in honour of God and of the blessed Mary, so that the divine mysteries be daily celebrated there, to have and possess [it] and whatever in the same island they shall be able to increase and build, freely and quietly, fully and honourably, in free pure and perpetual alms. I have further granted to the aforesaid monks whatever by my men of Jersey, and of Guernsey, and of Alderney, having regard to charity, shall be reasonably given to them, saving my right. And in order that this my gift may in time to come possess assured

¹ 1499 in the "*Legal Year*," 1500 in the "*Historical Year*". For a brief discussion of the distinction between these reckonings, see Annex A 20, Note 2.

² *i.e.*, Jersey, Guernsey and Alderney: see Annex A 8.

confirmavi, his testibus, Engeranno *de Pratel* fratre meo, Roberto *de Freschen*¹, Hugone *Croc*, Gilleberto *de Ovill*, militibus, Villelmo capellano, Richardo clerico, Nicolao *de Mara*, Will. *Cornuele*, Villelmo clerico de camera, & pluribus aliis, anno Verbi Incarnati 1203.

ANNEX A 8

Charter of King John to Piers des Préaux, 14th January, 1200, granting him the Islands of Jersey, Guernsey and Alderney, &c.

[*Charter Roll, 1 John, m. 28*]

Carta Petri
de Pratellis

Iohannes dei gracia et cetera · Sciatis nos concessisse dilecto et fideli nostro Petro de Pratellis · Insulas de Gerse et de Gernere et de Aurene et sexaginta Libratas terre In Esterlingis in Altona In Anglia et Centum Libratas Redditus Andegauensium In Rothomago · scilicet In stallis fori Rothomagi et in feria de perdon' · et In feria sancte marie de prato habendum et tenendum de nobis per seruicium feudi trium militum donec Comitatus de Insula deueniat ad eum · Cum filia et herede Willelmi Comitis de Insula quam eidem petro concessimus · uel quousque in alio maritagio ei ad grantum nostrum et suum prouiderimus · Et quicquid contingat de illo maritando · siue de eo humanitus contigerit · predictas Centum Libratas Redditus Andegauensium in Rothomago ei concessimus pro uoluntate sua · Viris religiosis conferendas · Si uero de nobis humanitus contigerit · nequam maritagium illud ei fuerit assignatum · Volumus quod ipse et heredes sui post ipsum predictas insulas et predictam terram habeant et teneant de heredibus nostris per predictum seruicium · Concessimus etiam ut predictus Petrus uel illi quibus redditum illum donauerit · habeant dominicum seruientem suum ad recipiendum illas Centum Libratas una cum maiore Rothomagi · uel cum illis qui in Loco eius erunt · Et si quid in de ei defuerit de predictis Centum Libris annuatim percipiendis de Vicecomite Rothomagi ei perficietur · Testibus Waltero Rothomagensi Archiepiscopo · G. Eboracensi Archiepiscopo · Willelmo filio Radulfi tunc Senescallo Normannie · Willelmo Marescallo Comite de Penbroc' et cetera · Datam per manum S. Wellensis Archidiaconi · apud Rupem Auriuallem · xiiij · die Ianuarii · Anno Regni nostri primo ·

¹ *Freschen* : probably a misreading of *Frescheu*, *i.e.*, *Freschuille*.

validity, I have confirmed it by the present writing and by the support of my seal; these being witnesses: Ingram des Préaux my brother, Robert de Freschen, Hugh Croc, Gilbert de Ovill, knights; William the chaplain, Richard the clerk, Nicholas de Mara, William Cornuele, William the clerk of the chamber, and many others; in the year of the Incarnate Word 1203.

ANNEX A 8

Charter of King John to Piers des Préaux, 14th January, 1200, granting him the Islands of Jersey, Guernsey and Alderney, &c.

[*Charter Roll, 1 John, m. 28*]

[*Translation*]

Charter of
Piers des
Préaux

John, by the grace of God etc. Know that we have granted to our beloved and faithful Piers des Préaux the Islands of Jersey, and of Guernsey, and of Alderney, and sixty Pounds' worth Sterling of land in Alton In England¹, and One Hundred Pounds' worth Angevin of Rent in Rouen, To Wit In the stalls of the market of Rouen and in the fair of "perdon"² and in the fair of st. mary "de prato", to have and to hold of us by service of three knights' fees until the Earldom of the Isle come to him, With the daughter and heir of William, Earl of the Isle, whom we have granted to the same piers, or until we shall have provided for him in another marriage to our satisfaction and his. And whatever befall about the marrying him, or if it befall him after the manner of man, we have granted him the aforesaid Hundred Pounds' worth Angevin of Rent in Rouen to be conferred at his will upon Men of religion. If, however, it shall befall us after the manner of man before that marriage has been assigned to him, We Will that he and his heirs after him may have and hold the aforesaid islands and the aforesaid land of our heirs by the aforesaid service. We Have also Granted that the aforesaid Piers or those to whom he shall give that rent may have their demesne servant to receive those Hundred Pounds' worth in association with the mayor of Rouen or with those who shall be in his Room. And if there shall be anything therein wanting to him of the aforesaid Hundred Pounds yearly to be taken, it shall be made good to him by the *Vicomte*² of Rouen. Witnesses: Walter, Archbishop of Rouen; G., Archbishop of York; William, son of Ralph then Seneschal of Normandy; William Marshal, Earl of Pembroke; etc. Given by the hand of S., Archdeacon of Wells, at Orival³ on the 14th day of January in the first Year of our Reign.

¹ Co. Southampton.

² *Viccomite*.

³ *Rupem Auriuallem*.

ANNEX A 9

Confirmation by King John, 21st June, 1200, to Piers des Préaux of that part of his Charter which concerned a Grant of Jersey, Guernsey and Alderney, &c.

[*Charter Roll, 2 John, m. 29*]

Carta eiusdem
Petri

Iohannes dei gracia et cetera · Sciatis nos dedisse · et concessisse Dilecto et fideli nostro Petro de Pratellis Insulas de Gerse et de Gernere et de Aurene Cum Sexaginta Libratis terre in Esterlingis in Alton' in Anglia habenda et tenenda de nobis per Seruicium feodi trium Militum donec Comitatus de Insula · deueniat ad eum cum filia et herede Willelmo Comitis de Insula · quam eidem Petro concessimus uel quousque ei in alio maritagio ad grantum nostrum et suum prouiderimus · Si uero de nobis humanitus contingerit[*sic*] · antequam maritagium illud ei fuerit assignatum · uolumus quod ipse et heredes sui post ipsum predictas Insulas et predictam terram habeant et teneant de heredibus nostris per predictum Seruicium Testibus Willelmo Marescallo Comite de Penbroc Roberto Comite de Sagiensi Willelmo de Rupibus Senescallo Andegaue · et cetera · Data per Manum · S. Wellensis Archidiaconi apud Andegauiam xxj · die Iunij · Anno Regni nostri Secundo ·

ANNEX A 10

Confirmation by King John to Piers des Préaux, 21st June, 1200, of that part of his Charter which concerned a Grant in Rouen

[*Charter Roll, 2 John, m. 29*]

Carta Petri
de Pratellis

Iohannes dei gracia et cetera · Omnibus et cetera · Sciatis nos dedisse et concessisse Dilecto et fideli nostro Petro de Pratellis centum Libratas redditus Andegauiensium · In Rothomago · scilicet In stallis fori Rothomagi et in feria de Pardum' et In feria sancte marie de Prato pro uoluntate sua Viris religiosis conferendas · Concessimus eciam quod predictus Petrus uel illi quibus redditum illum donauerit habeant dominicum seruientem suum · ad recipiendum · illas Centum Libratas Vna Cum maiore Rothomagi uel cum illis qui in loco eius erunt · Et si quid ei defuerit' · de predictis Centum libris annuatim percipiendis in supradictis Locis de Vicecomite Rothomagi perficiatur Testibus Willelmo Marescallo Comite de Penbroc · R[oberto]¹ · Comite Sagiensi Willelmo de Rupibus · Senescallo Andegaue · et cetera Data Per Manum · S. Wellensis Archidiaconi apud Andegauiam · xxj · Die Iunij Anno Regni nostri secundo ·

¹ cf. Annex A 9.

ANNEX A 9

Confirmation by King John, 21st June, 1200, to Piers des Préaux of that part of his Charter which concerned a Grant of Jersey, Guernsey and Alderney, &c.

[*Charter Roll, 2 John, m. 29*]

[Translation]

John, by the grace of god, etc. Know that we have given and granted to our Beloved and faithful Piers des Préaux the islands of Jersey, and of Guernsey, and of Alderney, With Sixty Pounds' worth Sterling of land in Alton in England, to have and to hold of us by service of three Knights' fees until the Earldom of the Isle come to him with the daughter and heir of William, Earl of the Isle [of Wight], whom we have granted to the same Piers or until we shall have provided for him in another marriage to our satisfaction and his. If, however, it shall befall us after the manner of man before that marriage has been assigned to him, we will that he and his heirs after him may have and hold the aforesaid Islands and the aforesaid land of our heirs by the aforesaid service. Witnesses: William Marshal, Earl of Pembroke; Robert, Count of Sées; William des Roches, seneschal of Anjou; etc. Given by the Hand of S., Archdeacon of Wells, at Angers on the 21st day of June in the Second Year of our Reign.

Charter of
the same
Piers

ANNEX A 10

Confirmation by King John to Piers des Préaux, 21st June, 1200, of that part of his Charter which concerned a Grant in Rouen

[*Charter Roll, 2 John, m. 29*]

[Translation]

John, by the grace of god, etc. To all, etc. Know that we have given and granted to our Beloved and faithful Piers des Préaux one hundred pounds' worth Angevin of rent in Rouen, to wit, in the stalls of the market of Rouen and in the fair of "Pardum" and in the fair of st. mary "de Prato", to be conferred at his will upon Men of religion. We have also granted that the aforesaid Piers or those to whom he shall give that rent may have their demesne servant to receive those Hundred Pounds' worth In Association With the mayor of Rouen or with those who shall be in his room. And if there shall be anything wanting to him of the aforesaid hundred pounds yearly to be taken in the abovesaid places, let it be made good by the *Vicomte*¹ of Rouen. Witnesses: William Marshal, Earl of Pembroke; R[obert], Count of Sées; William des Roches, seneschal of Anjou; etc. Given by the Hand of S., Archdeacon of Wells, at Angers on the 21st day of June in the second Year of our Reign.

Charter of
Piers des
Préaux

¹ *Viccomite.*

ANNEX A 11

Restitution by King John to Piers des Préaux of his English Lands,
29th June, 1206

[*Patent Roll*, 8 *John*, m. 3]

Petrus de pratellis habet litteras domini Regis patentes quod secure ueniat ad dominum Regem infra festum beati petri ad vincula Anno et cetera · viij^o · et dominus Rex reddet ei terram suam in Anglia et gratum suum faciet de Insulis secundum consilium R. Comitis Cestrie et Ingerami de Pratellis · Teste · me ipso apud Burgum super mare · xxix · die Iunii.

ANNEX A 12

Quo Warranto Proceedings relating to the Priory of the Ecréhous Islets,
1309, before the King's Justice in Eyre

[*Assize Roll*, 2 *Edw. II*, m. 36]

Ierseye

Adhuc de placitis de quo Waranto de eodem [. . .]¹ Abbas de vauricher summonitus fuit quod esset hic ad hunc diem ad respondendum domino Regi de [. . .] et vnum molendinum cum pertinenciis in parochia sancti Saluatoris et aduocacionem Prioratus de [. . .] dominus Rex per Willelmum de Marek² qui sequitur pro eo clamat vt Ius et cetera Idem etiam Abbas [. . .] respondendum domino Regi de placito quo Waranto et cetera clamat percipere et habere per manum Receptoris [. . .] Iers¹ viginti solidos de denariis domini Regis qui ad dominum Regem pertinent precipiendi/sic et cetera [. . .] non venit Set² Prior predicti Prioratus venit Et dicit se esse generalem procuratorem et attornatum [. . .] et Conuentus sui in hac Insula sub sigillis eorum Et dicit quod Locus Capelle de Esckerho [. . .] ille nomen habet et fundum et totam sustentacionem suam preter predictum molendinum et predictum annum [. . .] adeo exilis est quod Longe ab Insula stat in mare in quadam rupelli parua vbi non terra cultilis nec alia domus quam Capella Et ipse qui dicitur Prior pro se et socio suo [. . .] et valletto eorum commorante in predicta Capella per totum annum ad manutenendum sing [. . .] focum ardentem in Capella illa vt marinelli mare transeuntes de nocte per focum

¹ Owing to decay, the first 14 lines of the original MS. (including this heading) are defective. In the translation (see opposite page), it has been occasionally possible to suggest missing words. The dotted lines within square brackets denote the complete corruption of the text.

² *Sed.*

ANNEX A 11

**Restitution by King John to Piers des Préaux of his English Lands,
29th June, 1206**[*Patent Roll, 8 John, m.3*]

[Translation]

Piers des Préaux has the lord King's letters patent that he may come with confidence to the lord King within the feast of blessed peter in chains¹ in the eighth year, etc., and the lord King will restore to him his land in England and do his pleasure concerning the Islands² in accordance with the counsel of R., Earl of Chester, and Ingram des Préaux. Witness myself at Bourg-sur-Mer³ on the 29th day of June.

ANNEX A 12

**Quo Warranto Proceedings relating to the Priory of the Ecréhous Islets,
1309, before the King's Justices in Eyre**[*Assize Roll, 2 Edw. II, m. 36*]

[Translation]

Continuation of the pleas de Quo Warranto of the same [eyre]

[m. 36]

The Abbot of Val-Richer⁴ was summoned to be here at this day to answer to the lord the King concerning [a plea that he should give up] Jersey to him one mill with the appurtenances in the parish of St.Saviour and the advowson of the Priory of [. which] the lord the King by William de Maresk' who sues for him, claims as his right, etc. Also the same Abbot [was summoned] to answer to the lord the King concerning a plea by what warrant, etc., he claims to receive and have by the hand of the Receiver [in the Island] of Jersey 20 shillings of the money of the lord the King which belong to the lord the King to be received, etc. [The said Abbot] came not, but the Prior of the aforesaid Priory comes And says that he is the general proctor and attorney [of the said Abbot] and Convent in this Island under their seals. And he says that the Place of the Chapel of the Ecréhous⁵ [.] has that title and the ground and all its maintenance except the aforesaid mill and the aforesaid yearly [rent], is so meagre, because it is a Long way from the Island in the sea on a certain small rock where [there is] not [any] cultivatable land nor any house except the Chapel. And he who is called Prior, for himself and his fellow [.] and their servant dwelling in the aforesaid Chapel throughout the whole year for maintaining each

¹ St. Peter's Chains. This feast is celebrated on the 1st August.

² *i.e.*, the Channel Islands.

³ Otherwise Bourg or Bourg-sur-Gironde.

⁴ Vauricher.

⁵ Esckerho.

illum [.] vitare possint pericula rupellum
 Capelle contiguarum ' vbi maximum periculum extat periclitand
 [.] habent plus per annum ' pro omnibus
 necessariis suis ' nisi tantum predictum molendinum et predictum
 annuum redditum viginti solidorum ' que predecessores sui tenuerunt
 ab antiquo a tempore quo non extat memoria in forma ' qua ipsi modo
 illa tenent ' et nichilominus semper celebrant ipsi duo ' pro domino
 Rege et eius progenitoribus . Et Iurati hoc Idem testantur . Et quia
 Prior ille fideliter monstrat ' quod Abbas pre paupertate tenure illius
 non vult Laborare pro eadem ' Ideo permittitur ipsum Priorem tenere
 premissa sicut tenet ' quam diu domino Regi placuerit .

ANNEX A 13

**Complaint against the Prior of the Ecréhous Islets before the King's
 Justices, 19th October, 1323, that the Wall round his Manse
 was Encroaching upon the King's Highway**

[*Assize Roll, 17 Edw. II, m. 21d*]

[m. 1] Placita coram Henrico Spigurnel et Willelmo de Denum Iusticiariis
 domini . Regis . Itinerantibus in Insula de Ierseye . die Mercurij incras-
 tino sancti Luce Ewangeliste . anno Regni . Regis . Edwardi . Filij .
 Regis . Edwardi . septimo decimo .

[.....]
 [m. 21d] Adhuc de Itinere predicto . — Spigurnel.

[.....]
 Iuratores parochie sancti Martini presentant quod Monachi de Insuleto
 beate Marie de Escrenho leuauerunt quemdam murum ¹ lapideum circa
 mansum suum sub roqua de Arundel in parochia predicta super viam
 regiam ad nocumentum Regis et vicinorum et cetera Ideo veniant
 Monachi predicti veniant/*sic*? inde responsuri et cetera. Et quidam
 frater Thomas le Tancour prior domus predicte summonitus venit et
 dicit quod predictus Murus leuatus fuit iam xl . annis et amplius elapsis
 per quemdam predecessorem suum priorem domus predicte ad mansum
 suum defendendum et includendum absque aliquo nocumento domino
 Regi uel alicui alii faciendo seu aliqua purprestura super viam regiam
 uel communam aliquo modo facienda . et petit quod murus videatur
 per Iuratores Regis et alios fidedignos et cetera Ideo preceptum est quod
 fiat visus et cetera Et super hoc testatum est tam per Iuratores domini
 Regis quam per alios fidedignos qui per preceptum Curie inde fecerunt
 visum quod Murus predictus leuatus fuit per predecessorem predicti
 prioris quadraginta annis et amplius elapsis sicut prior dicit . et quod

¹ *murum* interlined.

² *veniant* interlined.

[.] a light burning in that chapel so that mariners crossing the sea by night by that light may avoid the peril of the rocks contiguous to the Chapel, where the greatest danger exists of being wrecked, [.] have [no] more by the year for all their necessities except the said mill and the said yearly rent of 20 shillings which their predecessors held of old from time immemorial in the form in which they now hold them, and nevertheless those two always celebrate for the lord the King and his progenitors. And the Jurors testify to the Same. And because that Prior faithfully shews that the Abbot on account of the poverty of that tenure does not wish to Exert himself for the same. Therefore it is permitted to the said Prior to hold the premises as he holds them as long as it shall please the lord the King.

ANNEX A 13

Complaint against the Prior of the Ecréhous Islets before the King's Justices, 19th October, 1323, that the Wall round his Manse was Encroaching upon the King's Highway

[*Assize Roll, 17 Edw. II, m. 21d*]

[Translation]

Pleas before Henry Spigurnel and William de Denum, Justices of the lord King in Eyre in the Island of Jersey, on Wednesday, the morrow of St. Luke the Evangelist, in the seventeenth year of the reign of King Edward¹, son of King Edward.

[.....]

Yet of the Eyre aforesaid.

→ Spigurnel. [m. 21d]

[.....]

The Jurors of the parish of st. Martin present that the Monks of the Islet of the blessed Mary of the Ecréhous² have raised a certain stone wall about their manse under Archirondel³ in the parish aforesaid on the King's highway to the nuisance of the King and of the neighbours, etc. Therefore let the Monks aforesaid come to answer thereof, etc. And a certain brother Thomas le Tancour, prior of the house aforesaid, having been summoned comes and says that the aforesaid Wall was raised 40 years and more ago by a certain predecessor of his, prior of the house aforesaid, to defend and enclose his manse without causing any nuisance to the lord King or to any other or making any encroachment on the King's highway or the common [land] in any way. And he asks that the Wall may be viewed by the Jurats of the King and other trustworthy men, etc. Therefore it is ordered that view should be made, etc. And hereupon it is testified, as well by the Jurors of the lord King as by other trustworthy men, who, by order of the Court, made view thereof that the Wall aforesaid was raised by the predecessor of the

¹ 19th October, 1323 (St. Luke's Day is the 18th October).

² Escrenho.

³ *roqua de Arundel*.

idem¹ Murus non est in aliquo ad nocumentum Regis seu alicuius alterius nec viam impedit nec communam . Ideo stet et remaneat in pace in statu quo nunc est Et² predictus prior inde sine die et cetera.

ANNEX A 14

**Pleas of the Crown before the King's Justices in Eyre in Jersey, 1331 :
Attack on Gorey Castle and Theft of certain Goods of the Prior of the
Ecréhous, 20th August, 1325**

[*Assize Roll, 5 Edw. III, m. 19*]

[m. 15]

Iereseye

Placita corone apud longam villam in Insula de Iereseye coram Roberto de Scardeburgh' Roberto de Norton' et Ricardo de Wescote Iusticiariis domini Regis Itinerantibus in Insulis de Gernereye . Iereseye . Serkes et Aureneye die mercurij . proxima post festum sancti Iacobi apostoli - anno regni Regis Edwardi tercij a conquestu quinto .

Scardeburgh' .

[.....]

[m. 19]

Paròchia sancti martini venit per vij . Iuratores Scardeburgh'

ijdem Iuratores presentant quod Petrus Bernard' de Pynsol' simul cum alijs ignotis die martis proxima post festum Assumpcionis beate marie anno regni domini Edwardi . patris domini Regis nunc xix^{mo} . fugavit in libera Warena domini Regis apud Castrum de Gurryk' et cum homines in eodem castro existentes percepissent predictum Petrum et alios ibidem existere predicti Petrus et alij . de commitiua sua ad castrum predictum insultum fecerunt et predicti homines in castro predicto existentes se defendebant . et in defendendo . quidam in Castro cuius nomen ignoratur quendam ignotum de malefactoribus predictis percussit in capite cum quodam lapide et statim inde obiit et statim post factum, predictus Petrus et alij corpus mortui abstulerunt . - Et quod homines eiusdem Petri Bernard' de Pynsol' quorum nomina ignorantur de assensu et missione predicti Petri . felonice furati fuerunt gallinas et capones ad valenciam . x . solidorum et asportauerunt . - Et quod idam Petrus et Johannes Pyk' anglicus simul cum alijs ignotis circiter festum Assumpcionis beate marie anno regni Edwardi . patris supradicto depredati

¹ *idem* interlined.

² *Et* repeated.

aforesaid prior forty years and more ago, as the prior says, and that the same Wall is not in any way to the nuisance of the King or of any other, neither does it obstruct the highway nor the common [land]. Therefore let it stand and remain in peace, in the state in which it now is. And [let] the aforesaid prior [go] thereof without a day, etc.

ANNEX A 14

**Pleas of the Crown before the King's Justices in Eyre in Jersey, 1331 :
Attack on Gorey Castle, and Theft of certain Goods of the Prior of the
Ecréhous, 20th August, 1325**

[*Assize Roll, 5 Edw. III, m. 19*]

[Translation]

Jersey

[m. 15]

Pleas of the Crown at longueville¹ in the Island of Jersey before Robert de Scardeburgh', Robert de Norton' and Richard de Wescote, Justices of the lord King in Eyre in the Islands of Guernsey, Jersey, Sark and Alderney, on wednesday next after the feast of St. James the apostle in the fifth year of the reign of King Edward the Third from the conquest².

Scardeburgh'.

[.....]

The Parish of St. Martin comes by 7 Jurors

Scardeburgh'.

[m. 19]

These same Jurors present that Piers Bernard' of "Pynsol'", with other persons unknown, on Tuesday next after the Feast of the Assumption of the Blessed Mary in the 19th year of the reign of the lord Edward father of the present lord King³, hunted in the free Warren of the lord King at the Castle of Gorey⁴ and when the men who were in that same castle had perceived the aforesaid Piers and the others to be in that same place, the aforesaid Piers and others of his company made an attack on the aforesaid castle, and the aforesaid men who were in the aforesaid castle defended themselves; and in the course of defence, a certain person in the Castle whose name is not known struck an unknown person among the malefactors aforesaid on the head with a stone; and he died of it immediately, and immediately after the deed the aforesaid Piers and others took away the body of the dead man; — And that men of this same Piers Bernard' of "Pynsol'", whose names are unknown, with the assent of, and at the instance of, the aforesaid Piers, feloniously stole hens and capons to

¹ *longam villam.*

² 31st July, 1331. This feast is celebrated on the 25th July which, in 1331, fell on Thursday.

³ 20th Aug., 1325. This feast is celebrated on the 15th Aug. which, in 1325, fell on Thursday.

⁴ Gurryk'.

exifantur
et vtlagentur
catalla . x ij
marcas . v
solidos
sterlingorum

fuerunt Priorem de Ecreho apud Rok' Arundel de lecto suo . et vesti-
menta capelle et quandam patellam cum tripede ad valenciam . xxxvij .
solidorum . ceperunt felonice et asportauerunt Et statim post factum
fugerunt et malecreduntur Ideo exigantur et vtlagentur . catalla pre-
dicti Petri . xij . marcas v . solidos . sterlingorum . vnde Laurencius
Gallard' nuper custos Insularum respondebit . Et Iohannes Pyk' nulla
habuit catalla .

ANNEX A 15

View of the Account of Sir John de Roches (Warden of the Channel
Islands), 1328-9, shewing an annual Payment made to the Priory of
the Ecréhous²

[*Exchequer Accounts (Various), Bundle 89 No. 12, m. 2*]

Visus compoti Iohannis de Roches militis . Custodis Insularum de
Gerneseye , Iereseye , serk et Augreneye quas Oto de Grandissono tenuit
de Hereditate domini . Regis ad vitam suam per breve . Regis remanens
penes eundem . datum xij^o die Iunij . anno regni huius Regis Edwardi
tertij post conquestum secundo . per quod idem Rex assignauit pre-
dictum Iohannem ad Insulas predictas in manum suam capiendas , et
saluo custodiri faciendas quousque aliud a Rege inde habuerit in man-
datis Ita quod de exitibus inde prouenientibus ad scaccarium . Regis
responderet . De exitibus predictarum Insularum . a supradicto . xij^o
die Iunij . anno . secundo . vsque festum sancti Michaelis proximo
sequens . et ab eodem festo sancti . Michaelis . anno secundo finiente
vsque idem festum proximo sequens anno regno Regis predicti tercio
finiente per vnum annum . xv septimanas . et v . dies .

[Receipta]

[.....]
Iereseye per idem tempus
[.....]

Summa receptorium Dxxviiij . libre .
ij . solidi . vj [denarij] . turonensium
que valent Lxvj . libras . iij . denarios .
obolum . quadrans . sterlingorum .

Expensa

De quibus computat in elemosina soluta Capellano . Regis Capelle .
Castri de Gorry qui capit per anuum . C . solidos pro Cantaria sua
et xx solidos pro luminari ecclesie terminis Pasche et sancti Michaelis'

¹ The words *catalla* *sterlingorum* in the marginal note have been struck through by the clerk, presumably at the time of making an estreat of these forfeited goods.

² The relevant entry is sidelined.

the value of 10 shillings and carried them off; — And that this same Piers and John Pyk', an englishman, together with other persons unknown, about the feast of the Assumption of the blessed mary in the abovementioned year of the reign of Edward the father¹ robbed the Prior of the Ecréhous² at Archirondel³ of his bed and feloniously took chapel vestments and a dish with a trivet to the value of 37 shillings and carried them off and immediately after the deed they fled and are suspected. Therefore let them be exacted and outlawed. The chattels of the aforesaid Piers are worth 12 marks [and] 5 shillings sterling, for which Lawrence Gallard', lately keeper of the Islands, will answer. And John Pyk' had no chattels.

exacted and
outlawed;
chattels 12
marks [and]
5 shillings
sterling.

ANNEX A 15

View of the Account of Sir John de Roches (Warden of the Channel Islands), 1328-9, shewing an annual Payment made to the Priory of the Ecréhous⁴

[*Exchequer Accounts (Various), Bundle 89, No. 12, m. 2*]

[Translation]

View of the account of John de Roches, knight, Keeper of the Islands of Guernsey, Jersey, sark and Alderney, which Otes de Grandisson held of the Inheritance of the lord King for his life by writ, remaining in the possession of the same, dated the 12th day of June in the second year of the reign of this King Edward the Third after the Conquest⁵, whereby the same King assigned the aforesaid John to take the Islands aforesaid into his hand and to cause them to be safely kept until he should have other orders therein from the King, so that he should answer at the King's Exchequer for the issues thence proceeding, for the issues of the aforesaid Islands from the abovesaid 12th day of June in the second year until the feast of St. Michael next following⁶ and from the same feast of St. Michael towards the end of the second year⁶ until the same feast next following towards the end of the third year⁷ of the reign of the aforesaid King, for one year, fifteen weeks and five days.

[.....]

Jersey for the same period.

[.....] [Receipts]

Total receipts 528*l.* 2*s.* [6*d.*]
tournois, which are worth 66*l.* 3*¼d.*
sterling.

Whereof he reckons in alms paid to the King's Chaplain of the Chapel Disbursements

¹ See note 3, above (p. 160).

² Ecreho.

³ Rok' Arundel.

⁴ The relevant entry is sidelined.

⁵ 12th June, 1328.

⁶ 29th September, 1328.

⁷ 29th September, 1329.

Lx solidos dicte monete pro eodem termino sancti Michaelis . Et in elemosina soluta Leprosis magni Portus qui capiunt per annum Lx solidos, Abbathie sancte Trinitatis de Cadamo capienti per annum vij . libras . x . solidos , Prioratui sancti Clementis capienti per annum . iiij . libras . x . solidos et Capelle beate Marie de Ekerho in mari capienti . per annum . xx . solidos dicte monete terminis predictis , vij . libras . pro eodem termino sancti Michaelis . Et in putura vnius balliui , vnius vicecomitis vnius Clerici vnius Receptoris , xij . Iuratorum . xij . Prepositorum , vnius Suspensoris Latronum et omnium libere tenencium Curiam domini , Regis . sectancium ad vnum repastum pro tempore huius visus . et in putura eorundem balliui, vicecomitis , Clerici , Receptoris et xij . Iuratorum . ad vnum repastum pro Curia taxanda . et in eadem pro eisdem ad vnum repastum pro abiuratione Reginaldi Caretot infra idem tempus . vij . libras . xvij . solidos eiusdem monete . Et in vadiis vnius balliui capientis per annum . xxx . libras . vnius Clerici capientis per annum ¹ x . libras . pro feodo ² et xx . solidos . pro pergameno , vnius Receptoris capientis per annum ¹ xxx libras . vnius Constabularij Castri cum valletto capientis per annum . Lxxiiij . libras , vnius Ianitoris capientis per annum xxxiiij . libras . vj solidos viij . [denarios] turonenses . et vnius Narratoris qui capit . Cvj . solidos eiusdem monete per annum ¹ pro huius modi feodis et vadiis solutis pro tempore huius visus . xLviiij . libras . iij . solidos . eiusdem monete . Et in bladis campipartium feodi de Morers antequam affirmarentur colligendis , vj . solidos . eiusdem monete . Et in diuersis reparacionibus factis circa domos Castri cooperiendas per tempus huius visus , vij . libras . x . solidos . viij [denarios] . turonenses . eiusdem monete . Et in vadiis . iiij . hominum ad arma existencium in dicto Castro causa metus guerre ³ per tempus huius visus quolibet capiente vij . solidos . per diem , et xxx . peditum quolibet de v . capiente per diem xij [denarios] turonenses et quolibet de xxv . capiente per diem . xvj [denarios] . turonenses . eiusdem monete ¹ CCCxxxix libras . xiiij . solidos iiij [denarios] . turonenses . eiusdem monete .

Summa expensorum CCCCxvj . libre . xj . solidi . turonensium que valent Lij . libras . xvj . denarios . obolum . sterlingorum . Et debet . ⁴ Cxj . libras . xj . solidos . vj . turonenses que valent . xiiij . libras . xvij . solidos . xj . denarios . quadrantem . sterlingorum .

¹ *per annum* interlined.

² *pro feodo* interlined.

³ *causa metus guerre* interlined.

⁴ Followed by an erasure.

of the Castle of Gorey¹, who takes by the year 100s. for his Chantry and 20s. for the light of the church in Easter and Michaelmas terms, 60s. of the said money for the same term of Michaelmas; and in alms paid to the Lepers of "Magnus Portus", who take by the year 60s., to the Abbey of Holy Trinity, Caen, which takes by the year 7*l.* 10s., to the Priory of St. Clement, which takes by the year 4*l.* 10s., and to the Chapel of the Blessed Mary of Ekerho² in the sea, which takes by the year 20s., of the said money, in the terms aforesaid, 8*l.* for the same term of Michaelmas; and in the puture of one bailiff, one *vicomte*³, one Clerk, one Receiver, twelve Jurats⁴, twelve *Prévôts*⁵, one Hangman and all the freeholders doing suit at the lord King's Court at one repast for the period of this view and in the puture of the same bailiff, *vicomte*³, Clerk, Receiver and twelve Jurats⁴ at one repast for appraising the Court, and in the same for the same at one repast for the abjuration of Reynold Caretot within the same period 8*l.* 17s. of the same money; and in the wages of one bailiff, who takes by the year 30*l.*, of one Clerk, who takes by the year 10*l.* for his fee and 20s. for parchment, of one Receiver, who takes by the year 30*l.*, of one Constable of the Castle with a yeoman, who takes by the year 73*l.*, of one Porter, who takes by the year 24*l.* 6s. 8[d.] *tournois*, of one Pleader⁶, who takes 106s. of the same money by the year, for such fees and wages paid for the period of this view 48*l.* 3s. of the same money; and in gathering the corn of the champarts of the fee of "Morers," before they were farmed out, 6s. of the same money; and in divers repairs done about the roofing of the Castle buildings for the period of this view, 8*l.* 10s. 8[d.] *tournois* of the same money; and in the wages of three men-at-arms who were in the said Castle by reason of the fear of war for the period of this view, each taking 8s. by the day, and of thirty footmen, each of five taking by the day 12[d.] *tournois* and each of twenty-five taking by the day 16[d.] *tournois* of the same money, 339*l.* 14s. 4[d.] *tournois* of the same money.

Total disbursements 416*l.* 11s. *tournois*,
which are worth 52*l.* 16½*d.* sterling.
And he owes 111*l.* 11s. 6[d.] *tournois*,
which are worth 13*l.* 18s. 11¼*d.* sterling.

¹ Gorry.

² the Ecréhous.

³ *vicecomitis*.

⁴ *Narratoris*. "In 1304 a 'narrator' first appears; but from the evidence it is impossible to tell whether he was the king's narrator or simply a professional pleader." : J. H. Le Patourel, *The Medieval Administration of the Channel Islands 1199-1399*, p. 94.

⁴ *Iuratorum*.

⁵ *Prepositorum*.

ANNEX A 16

Pleas of the Crown before the King's Justices in Eyre in Guernsey,
1331 : assault by the Prior of the Ecréhous, on a Widow in Jersey,
13th July, 1331

[*Assize Roll, 5 Edw. III, m. 18d*]

[m. 1]

: Gernereye' :

Placita Corone apud sanctum Petrum de portu coram Roberto de
scardeburgh' Roberto de Norton' et Ricardo de westcote Iusticiariis
domini Regis Itinerantibus in Insulis de Gernereye Iereseye serk et
Aureneye die sabbati proximo post festum Translacionis sancti Thome
Martiris anno regni Regis Edwardi tercij a conquestu quinto :

[.....]

[m. 18d]

Parochia sancte Trinitatis venit per . vj . Iuratores : scardeburgh'

[.....]

De transgressoribus et cetera . presentant quod frater Thomas Prior de
Escreho verberavit Iohannam Relictam Roberti Hubert percussiendo
illam de pede et ipsam contra terram acabliuit in domo Radulphi
Hubert' cum . clamore . haro . et cetera . tempore Petri Hugun nuper
balliui et cetera . Et predictus Prior modo venit et hoc dedit et cetera .
Et Inquisicione inde capta per Iuratores parochie sancte Trinitatis super
quam se posuit et cetera . dicunt super sacramentum suum quod ipse
est culpabilis . Ideo committatur ad custodiam et cetera . Et postea
fecit finem prout patet alibi .

ANNEX A 16

Pleas of the Crown before the King's Justices in Eyre in Guernsey,
1331: assault by the Prior of the Ecréhous, on a Widow in Jersey,
13th July, 1331

[*Assize Roll, 5 Edw. III, m. 18d*]

[Translation]

Gernereye

[m. 1]

Pleas of the Crown at St. Peter Port before Robert de scardeburgh',
Robert de Norton' and Richard de westcote, Justices of the Lord King
in Eyre in the Islands of Guernsey, Jersey, sark and Alderney on saturday
next after the feast of the Translation of st. Thomas the Martyr in
the fifth year of the reign of King Edward the third after the conquest ¹.

[.....]

The Parish of holy Trinity comes by six Jurors · scardeburgh'

[m. 18d]

[.....]

Concerning trespassers, etc. They present that brother Thomas Prior
of the Ecréhous ² beat Joan, Relict of Robert Hubert, by striking her
with his foot, and dashed her against the ground in the house of Ralph
Hubert' with *clameur de haro*, etc., in the time of Peter Hugun lately
bailiff, etc. And the aforesaid Prior now comes and denies this, etc.
And Inquisition being thereof taken by Jurors of the parish of Holy
Trinity on which he placed himself, etc., they say on their oath that he
is guilty. Therefore let him be committed to custody, etc. And after-
wards he made fine as appears elsewhere.

¹ 13th July, 1331. This feast is celebrated on the 7th July which, in 1331, fell on
Sunday.

² Escreho.

ANNEX A 17

Royal Letters of Protection, 18th August, 1337, for the Prior of the Ecréhous and other Priors in Jersey and Guernsey, &c.

[*Patent Roll, 11 Edw. III, pt. 2, m. 9*]

De
proteccione

Prior de sancto Clemente de Insula de Iereseye habet literas Regis de proteccione guamdiu Regi placuerit · Teste Rege apud Westmonasterium · xvij · die Augusti

Per consilium

Consimiles literas Regis de proteccione habent subscripti videlicet

Prior de Wale de Insula de Gernereye · Teste ut supra ·	Prior de Lyo de Insula de Gernereye · Teste ut supra ·	Prior de Leek' de Insula de Iereseye · Teste ut supra ·
Prior de Erne de Insula de Gernereye · Teste ut supra ·	Prior de Acrehowe de Insula de Iereseye · Teste ut supra ·	Prior sancti Petri de Insula de Iereseye · Teste ut supra ·
Prior de Bonenuyte de Insula de Iereseye · Teste ut supra ·	Prior del Islet de Insula de Iereseye · Teste ut supra ·	
	Prior de Blanca Landa de Insula de Gernereye · Teste ut supra ·	

 ANNEX A 18

Fragment of a 15th Century Rental, shewing the Endowments of the Priory of the Ecréhous, in Jersey, Guernsey and France

[*Cartulaire des Iles Normandes (Société Jersiaise), pp. 420-1, No. 239*]

LES RENTES DE NOTRE DAME DE ESCREHOU EN GIERRESY :

Guiffrey Galicen : iij quartiers de forment sus ung masnage contenant environ vj vergées de terre, en la parroisse de la Trinité, lequel fu acquis par ledit Galicen des hoirs dam Ricart Fanegot, prestre.

Philippe Perchart : troys caboteaulx de fourment.

Raoul et Guillot dis les Pihans : x sols.

ANNEX A 17

Royal Letters of Protection, 18th August, 1337, for the Prior of the Ecréhous and other Priors in Jersey and Guernsey, &c.

[*Patent Roll, 11 Edw. III, pt. 2, m. 9*]

[Translation]

The Prior of st. Clement ¹ of the Island of Jersey has the King's letters of protection for as long as it shall please the King. Witness the King at Westminster on the 18th day of August.

By the Council.

The persons underwritten have like royal letters of protection, namely :

The Prior of [St. Michel du] Valle ² of the Island of Guernsey. Witness as above.	The Prior of Lihou ³ of the Island of Guernsey. Witness as above.	The Prior of Lecq ⁴ of the Island of Jersey. Witness as above.
The prior of Herm ⁵ of the Island of Guernsey. Witness as above.	The Prior of Ecréhous ⁶ of the Island of Jersey. Witness as above.	The Prior of st. Peter ¹⁰ of the Island of Jersey. Witness as above.
The Prior of Bonne Nuit ⁴ of the Island of Jersey. Witness as above.	The Prior of L'Islet ⁷ of the Island of Jersey. Witness as above.	
	The Prior of Blanche-lande ⁸ of the Island of Guernsey. Witness as above.	

ANNEX A 18

Fragment of a 15th Century Rental, shewing the Endowments of the Priory of the Ecréhous, in Jersey, Guernsey and France

[*Cartulaire des Iles Normandes (Société Jersiaise)*, pp. 420-1, No. 329]

[Translation]

THE RENTS OF OUR LADY OF THE ECRÉHOUS IN JERSEY :

Geoffrey Galicen : 3 quarters of wheat from a holding containing about 6 *vergées* ¹¹ of land, in Trinity parish, which was acquired by the said Galicen of the heirs of dom Richard Fanegot, priest.

Philip Perchart : three *cabots* ¹² of wheat.

Ralph and William called Pihans : 10 shillings.

¹ *de sancto Clemente.*² *Wale.*³ *Erne.*⁴ *Boneuuyte*⁵ *Lyo.*⁶ *Acrehowe.*⁷ *del Islet.*⁸ *de Blanca Landa.*⁹ *Leek'.*¹⁰ *sancti Petri.*¹¹ *Nearly ½ an acre.*¹² *A measure of grain, etc.*

Ricart Morbert : ij sols iiij deniers, le tout assis en la parroisse de la Trinité.

Memore du moulin appelé le moulin Saint-Michel autrement le neuf moulin appartenant à Notre-Dame de Escrehou.

Sus le moulin de la Haye, la diesme de la revenue d'icelui, du don de Robert de Surville et Colin son frère, assis en la parroisse de Saint-Laurens de l'isle de Gierresy.

Sus le moulin de Barneville, iiij quartiers de fourment du don Simon de Dammartin, conte, et de Aalis, sa femme, fille du roy Louys de France.

Note : que c'est a Saint-Nicolas du Bosc Rogier.

Du don de Philippe de Quarteret : xv sols tournois sus iceulx qui s'ensuivent :

Sus le fieu Pierre le Machon : iiij sols.

Sus le fieu Raoul le Bonnier : iiij sols.

Sus le fieu Baon et Morant : iiij sols.

Sus le fieu Paen : iiij sols.

Guillaume Coquerel : j boissel de sel sus sa saline qui est assise sus le moulin a Longueville et fut fait l'an mil cc xxxv.

Du don Guillaume d'Argences : j. moulin a vent et la piece de terre sus quoy il siet, en la terre Rogier Poutrel.

Sus le moulin a bley dudit xx. boisseaux de fourment mesure de Barneville.

A Grouville en l'isle :

Philippot Le Marchant pour le moulin foulereis : xiiij. caboteaulx de fourment.

Ricart le Doublierre et Guillaume Le Hurtour : iiij. caboteaulx de fourment.

Pierres le Vecil : demy cabot de fourment.

Guillaume Ugon et Jehan Angot : demy caboteaul.

Saint Martin :

Colin le Bastart : ij. cabos et demy de fourment.

Jehan Hubert : demy cabot de fourment.

John le Riche : ij. cabos de fourment.

Jehan de la Ville : j. cabot de fourment.

Guillaume de Lomey (?) ¹ por la capelle et meson une coronne d'or.

La Trinité :

Jehan Philippe : j. cabot de fourment.

Matheu Maugier : ij. cabos.

Raoul Bussier : demy cabot etc. etc.

Saint Sauvoir :

Regnault le Lorant : vij. caboteaulx de fourment.

Jehan Le Feuvre : j. cabot de fourment.

¹ Inserted by the Editor of the volume from which the text is taken.

Richard Morbert : 2 shillings [and] 4 pence, the whole situated in Trinity parish.

Be it remembered the mill called St. Michael's mill, otherwise the new mill belonging to Our Lady of the Ecréhous.

From the mill of la Haye, one-tenth of its issues, of the gift of Robert of Surville and Colin his brother, situated in the parish of St. Lawrence in the island of Jersey.

From the mill of Barneville ¹, 4 quarters of wheat of the gift of Simon of Dammartin, count, and of Alice, his wife, daughter of king Louis of France. Note : that this is at St-Nicolas-du-Bois-Roger.

Of the gift of Philip of Quarteret : 15 shillings *tournois* ² from the following :

From the fief of Pierre le Machon : 3 shillings.

From the fief of Ralph le Bonnier : 3 shillings.

From the fief of Baon and Morant : 3 shillings.

From the fief of Paen : 3 shillings.

William Coquerel : 1 bushel of salt from his salt-pan which is situated beneath the mill at Longueville ³, and was made in the year 1235.

Of the gift of William of Argences : 1 windmill and the plot of land on which it stands, in the land [of] Roger Poutrel.

From the corn-mill of the same 20 bushels of wheat [of] the measure of Barneville.

At Grouville in the island [of Jersey] :

Philip Le Marchant for the mill "fouleris" : 13 *cabots* of wheat.

Richard le Doublierre and William Le Hurtour : 4 *cabots* of wheat.

Piers le Veeil : half a *cabot* of wheat.

William Ugon and John Angot : half a *cabot*.

St. Martin :

Colin le Bastart : 2 *cabots* and a half of wheat.

John Hubert : half a *cabot* of wheat.

John le Riche : 2 *cabots* of wheat.

John de la Ville : 1 *cabot* of wheat.

William de Lomey (?) ⁴ for the chapel [of the Priory] and [the Prior's] house, a gold crown.

Trinity :

John Philippe : 1 *cabot* of wheat.

Matthew Maugier : 2 *cabots*.

Ralph Bussier : half a *cabot*, etc., etc.

St. Saviour :

Reynold le Lorant : 7 *cabots* of wheat.

John Le Feuvre : 1 *cabot* of wheat.

¹ In the Department of *Manche*.

² Minted at Tours.

³ In Jersey.

⁴ Inserted by the Editor of the volume from which the text is taken.

Guillaume Nourry : ij. caboteaulx.

Lescluse : iiij. sols.

Item, a Guernerey : xx. caboteaulx de fourment.

Saint Ouen, pour la porquerie : xv. sols sus quoy il est deu a

Jehan de Saint Martin : j. quartier de fourment.

Item, la guerbe dez iiij. parroisses.

William Nourry : 2 *cabots*.

Lescluse : 4 shillings.

Also, in Guernsey : 20 *cabots* of wheat.

St. Ouen, for the piggery : 15 shillings for which they are due to [rest blank].

John of St. Martin : 1 quarter of wheat.

Also, the wheat-sheaf of the 4 parishes.

ANNEX A 19

Extentes [Rentals] of Jersey, shewing Wheat-Rents payable by certain Jersey Parishes in respect of the Priory of the Ecréhous in 1528, 1607, 1668 and 1749

[*Société Jersiaise*, 6th Pubn., p. 20; 5th Pubn., pp. 6-7; 7th Pubn., pp. 6, 35, 60; 8th Pubn., pp. 18, 49]

[1528]

Due by cause of Escrehoo payable at the aforesaid fest of Saint Michell tharkangell by diu[er]s tenantis of the p̄isshes ensuying that is to say

Saint Martyn.

Clement Bastard	ij cab dj.
Nicholas Triguell	ij cab.
John Hubter	dj cab.
Philot de la Ville	j cab.
		Sm ^a vj cab.

Saint Sauuo.^r

Raulyn Lemp[ri]ers	vj cab.
		Sm ^a pz.

Sm ^a of whete due by cause of	} j quart dj.
Escrehoo aforesaide	

[1607]

Wheates due for the Priory of Escreho¹, payable yearly in manner & forme as the aforesaid wheats of the Daughter of Carteret &c :

For Escreho	John Grey in the right of his wife for the discharge of the heires of Nicollas Triguell	{ 11 .. cāb :
	John Hubert fils Edmond	{ ½ .. cāb :
	Edward La Cloch for Edward Crayford in the right of his mother the Daughter of Clement Basterd	{ 2. cāb ½
	Sum of the wheats due for the Priory of Escreho in the Parish.	{ v .. cāb :

[.....]

Wheats due for the Priory of Eschreho² payable in manner and forme as before appeareth.

For Escreho.	Hugh Lemprier for the discharge of Rauline Lemprier	{ 6 cāb :
		Sum 15 : pz :

[.....]

¹ From St. Martin's Parish, Jersey.

² From St. Saviour's Parish, Jersey.

[1668]

FROMENTS DEUBS POUR ECREHO¹.

Hers Jean Le Hardy gents : occupant la Maison de Jean Payn de la Hougue pour Triguel en St. Martin deux cabots	}	..	2	..
Elizabeth Beauger Vefve de Jacques Hubert fs : Jean fs : Phle trois sixtr̄s	3
Sum : des froments deubs pour Ecreho	}	..	2	3

FROMENTS DEUBS POUR ESCREHO payables com̄e en
St. Martin.

Jean Dumaresq & Elie Dumaresq gents : hom̄es tenants des h̄ritages Phle Lemprīere en St. Sauv̄ six cabots	}	o	6	o
Sum : ..				

FROMENTS DEUBS POUR LA PRIORÉ D'ESCREHO
payables com̄e est mentionn̄e en la p̄oc̄e de St. Martin.

Jean de la Cloche gents : fs : Estienne fs : Edouard pour Crafford pour le Bastard en St. Martin deux cab : et demy	}	o	2	3
Sum : ..				

[1749]

John le Hardy Esqr, son of John, in right of Charles le Hardy, Esqr, son of Ch., son of John, in right of Ph. Falle, five Cabotels of Wheat (au propre); Item, one Cabotel (pour forfaiture); Item, for John Payn, five Cabotels of Wheat for St. Germain : Item for Godel, for Lempriere in St. Sa- viour, ten Cabotels of Wheat; and for Eschreho, two Cabotels of Wheat ² ; in all [3.5], [3.6], [3.7], [4.1], [6.2]	}	2 . 7 . o	34 . 10 . o

BEANS.

Mathew John la Cloche Gent., son of John, son of John, son of Stephen, two Cabotels of Beans, strike measure ;—(au racle), pour Ecreho ³ , which makes heapt measure [6o.8]	}	o . 1 . ½	1 . 15 . o

¹ From St. Martin's Parish, Jersey.² From the Parish of Grouville, Jersey.³ From the Parish of St. Helier, Jersey.

ANNEX A 20

Removal of Wreck of the Sea from the Minquiers Islets by certain Jerseymen in 1615, 1616 and 1617, in Derogation of the Rights of the Lord of the Seigneurie of Noirmont in Jersey

[*Rôles de la Cour du Fief et Seigneurie de Noirmont*, ff. 67-9, 73]

[f. 67]
Octob 25
1615

Les Chefs plets de la Cou^{ur} du fieu au Prieur de Noirmont tenus sur ce fieu pres[sic] la Maison Brelade Roze le xxv^e Jour d'Octobre l'An millvj^{es}xv

nota

Après[sic] Record du Preuost Collas Grandin Jean Christin et Jaqz Dumaresq sont dits auoir aporté quelqz hardes d'vn Nauire des Minqués¹ Nauire Estimé de Honfleur

[.....]

[f. 68]
Janv^e 31
1615 :²

Les chefs plets de la Cour du fieu au Prieur de Noirmont de S^t Brelade dans la Maison Nicollas Grandin sur ce fieu ce denier³ jour du Moys de Janvier l'an de grace mill.vj^{es}xv :

[.....]

[f. 69]
debris[sic] de
nauire perdu
à Marqués⁴

Après[sic] Record du Preuost comē Collas Grandin Maistre d'vn Bateau et son Equipage auoyent aporté quelques Vieux funains d'vn certain Nauire perdu à Marqués⁴, avec quelqz pieces[sic] de bois rompu et vn petit Coffret quaré le tout estimé à viron xvj Reals[sic], Il est comandé au Serg^t en auoir la garde jusques'ace[sic] qu'il ensoit autrem^t pourveu

[.....]

[f. 73]
Juin 11^e
1617 :

Les chef plaids de la Cour du fieu & S^{ri}^o¹⁵ du Prieur de Noirmont tenus sur le fieu à la comune pres[sic] de la Mare cet xj^e Jour de Juin l'an de grace millvj^{es} xvij — //

[.....]

vne Ancre à
Minkés⁵

Jacques Aurange en deff[sic]⁶ vers les Officiers du S^t⁷ pour auoir enlevé vne Ancre a[sic] Minkés⁸ & es environs et portee[sic] a[sic] S^t Malô,

¹ *i.e.*, the Minquiers.

² *i.e.*, 1616. The dating here used is that of the "Legal Year", which began on the 25th March of one year and ended on the 24th March of the following year. Consequently, the days from the 1st January to the 24th March, inclusive, belonged to the previous year. The "Historical Year", however, extended normally from the 1st January to the 31st December; and, until this unnecessary complication was abandoned in 1752, when Great Britain adopted the Corrected Kalendar (which, however, this anomaly did not affect), it had long been the common practice to shew both years in dates.

³ *dernier*.

⁴ *i.e.*, the Minquiers.

⁵ *Seigneurie*.

⁶ *défait*.

⁷ *Seigneur*.

⁸ *i.e.*, the Minquiers.

ANNEX A 20

Removal of Wreck of the Sea from the Minquiers Islets by certain Jersey men in 1615, 1616 and 1617, in Derogation of the Rights of the Lord of the Seigneurie of Noirmont in Jersey

[*Rôles de la Cour du Fief et Seigneurie de Noirmont*, ff. 67-9, 73]

[Translation]

ber 25th, The Chief pleas of the Court of the fief at the *Prieur* of Noirmont held on this fief near to the house of Brelade Roze, on the 25th day of October in the year 1615.

According to the Evidence of the Provost, Collas Grandin, Jean Grandin, Jean Christin and Jacques Dumaresq are alleged to have carried off from the Minquiers certain wreckage of a Ship, Believed to belong to Honfleur

[.....]

ary 31st, The chief pleas of the Court of the fief at the *Prieur* of Noirmont in St. Brelade[s Parish] in the House of Nicollas Grandin on this fief, on the last day of the Month of January in the year of grace 1616.

[.....]

k of
ip lost
e
quiers. According to the Evidence of the Provost as to how Collas Grandin, Master of a Ship, and her Crew had carried some Old rigging of a certain ship lost at the Minquiers, with some pieces of wreckage and a small square chest, the whole being estimated at about 16 Reals. The Serjeant is ordered to take charge of them until other provision shall have been made.

[.....]

11th, The chief pleas of the Court of the fief and Seigneurie of the *Prieur* of Noirmont held on the fief in the commune near to the Marsh, on the 11th Day of June in the year of grace 1617.

[.....]

Anchor at
Minquiers. Jacques Aurange [is] in default towards the Officers of the Seigneur for having taken away an Anchor from the Minquiers and their neigh-

Et co[m]d ¹ a[sic] Benjamin P[hil]les², Thomas Thomasse & a[sic] Th :
Le Goupil junior garder leur Jour   la p[ro]chaine³ Cour, ou respondre  
la Cour superieur[sic] si le cas requiert

ANNEX A 21

Act of the Royal Court of Jersey, 6th August, 1692, recording the Judgment that certain Wreck of the Sea cast upon the Minquiers Islets belonged to the Crown of England

[Acte de la Cour Royale de l'Isle de Jersey, 6 Aou t, 1692]

L'An mil Six cents Quatre Vingt Douze :
le Six^{me} Jour du mois d' oustr.

Par devant Philippe le Geyt Gentilhomme Lieutenant de
Messire Philippe de Carteret Baronet Sr de St Ouen &c'.
Bailly de l'Isle[sic] de Jersey assist  de Francois⁴[sic] de
Carteret Esc^r Amyce de Carteret Henry de Carteret Jean
Durel et Elie le Montais Jurets. Survenus Elie Dumaresq
et Raulin Robin. Survenu aussy David Bandinel

[.....]

Entre Charles Dumaresq gent' p[ro]c[ur]er⁵ de Delle Debora Dumaresq veu⁶
de feu P[hil]le⁷ Dumaresq Esc^r vivant Seigneur de Samaresq[sic] &c'.
tutrice de son Enfant d'vne⁸ p[ar] Et le Procureur du Roy et de la Reyne
et le Receveur des Revenus de leurs Mat^{es} l'accionant[sic] de leur delivrer
et mettre entre mains Les pieces[sic] du debris[sic] Cables Ancres
Voilles grayem^{ts} Canons &c'. de certains vaisseaux qui auroyent fait
Naufrage sur les Rochers et Coste des Miquais⁹, com e ap[ar]tenants a[sic]
leurs Majest s dequoy ladite tutrice se serait emposed e sans droit
quoy qu'aport s sur le fief de ladite Pupille suyvant les premisses[sic]
d'autre part, en presence des Sauveurs Savoir m^{re} Elie de Carteret¹⁰
Jean Mon Amy[sic] Francois[sic] Filleul Thomas Amy et Helier Touzel
appel s en cause Apres[sic] les Raisons des p[ar]ties¹¹ Ouies Il a et [sic]
Jug  que Nonobstant vn ancien pretendu[sic] titre produit et la Pos-
session allegu e p[ar]¹² ledit Procureur de ladite tutrice de partager entre

¹ command .

² Philippes.

³ prochaine.

⁴ Amyce struck through, Francois interlined.

⁵ procureur.

⁶ veuve.

⁷ Philippe.

⁸ d'une.

⁹ i.e., the Minquiers Islets.

¹⁰ Followed by Helier Touzel, which is struck through.

¹¹ parties.

¹² par.

bourhood, and carried it to St. Malo. It is ordered that Benjamin Philippes, Thomas Thomasse, Th[omas] Le Goupil, junior, keep their day at the next Court, or answer in the superior Court if the circumstances shall require.

ANNEX A 21

Act of the Royal Court of Jersey, 6th August, 1692, recording the Judgment that certain Wreck of the Sea cast upon the Minquiers Islets belonged to the Crown of England

[*Acte de la Cour Royale de l'Île de Jersey, 6 Août, 1692*]

[Translation]

In the Year Sixteen Hundred and Ninety-Two on the Sixth Day of the Month of August.

Before Philippe le Geyt, Gentleman, Deputy of Sir Philippe de Carteret, Baronet, Seigneur of St. Ouen, &c. The Bailiff of the Island of Jersey, assisted by François de Carteret, Esq., Amyce de Carteret, Henry de Carteret, Jean Durel and Elie le Montais, Jurats. In attendance later Elie Dumaresq and Raulin Robin, and also David Bandinel.

[.....]

Between Charles Dumaresq, Gentleman, Attorney of Mrs. Debora Dumaresq, widow of the late Philippe Dumaresq, Esq., formerly Seigneur of Samarès, &c., and the Guardian of her son of the one part, and the Attorney General of the King and the Queen, and their Majesties' Receiver of Revenues, of the other part, who are suing her to deliver and place within their hands the wreck, [namely], cables, anchors, sails, rigging, cannons, &c. of certain vessels which have been shipwrecked on the rocks and coast of the Minquiers, as belonging to their Majesties, and of which the aforesaid Guardian has possessed herself illegally, although such wreck was carried on to the fief of the aforesaid Ward, accordingly to certain evidence. In attendance there were also the Salvors, namely, Messrs. Elie de Carteret, Jean Mon Amy, Francois Filleul, Thomas Amy and Helier Touzel, who were also summoned as parties to the suit. After the pleadings of the Parties

Appel

le Sr¹ et les Sauveurs p² moitié les biens Naufragés qui sont aportés sur les fiefs de ladite Pupille, Ledit Procure^r de ladite tutrice se doit contenter de les Partager avec les off^{ers}³ de leurs Majestés et les sauveurs Tiers a[sic] tiers Conformem^t[sic] a[sic] certaines L^res⁴ des Tres[sic] honorables Seign^{ers} du Conseil Privé du Roy en dapte de lan[sic] mil six cents Vingt le dixsept^e Jour de Septembre enterinés[sic] aux Roles [sic] de la Cour et depuis praticqués en cas semblable come il p^{oest}⁵ p³ Acte du 8^e Jour de Nove^mb 1632, Dequoy le Procure^r de ladite tutrice a[sic] Appele[sic] pardevant Nos Souverains Seigneur et Dame Le Roy et la Reyne d'Angleterre[sic] &c' Et les Treshono^{bles}[sic] Seigneurs de leur Conseil privé sous la Pleuvine d'Helier[sic] Dumaresq gent' et d'Edouard[sic] Dumaresq gent' tant de la poursuite dudit Appel dans le temps permis en Loy que de l'Amende[sic] Coustages et dependances[sic] sobligeant[sic] pour et au noms de ladite Pupille et pour ses hers Indemniser sesdits Pléges sur tous ses biens Meubles & heritages p^{nts}⁶ et futurs.

¹ Seigneur.

² par.

³ Officiers.

⁴ Lettres.

⁵ ? Corrupted form of *paroisit* (*parati*).

⁶ *présents*.

had been heard, it was adjudged that, notwithstanding an ancient asserted title which was produced, and the alleged possession [of the wreck] by the aforesaid Attorney of the aforesaid Guardian in justification of sharing between the Seigneurs and the Salvors one half each of the wreck, which was cast upon the fief of the aforesaid Ward, the aforesaid Attorney of the aforesaid Guardian should be content to share it with the Officers of their Majesties and the Salvors, each taking a third, according to certain Letters of the Most Honourable Lords of the King's Privy Council, dated Sixteen hundred and twenty, on the seventeenth day of September, and entered in the Rolls of the Court, and since put into practice, as is shewn in a similar case by an Act of the 8th day of November, 1632. Against which [judgement] the Attorney of the aforesaid Guardian entered an appeal before our Sovereign Lord and Lady, the King and Queen of England, etc., and the Most Honourable Lords of their Privy Council, Helier Dumaresq, Gentleman, and Edward Dumaresq, Gentleman, being Pledges that the said appeal should be pursued within the time allowed by law, and also of the fine, costs and other penalties thereunto appertaining, [the said Attorney] undertaking, on behalf of the aforesaid Ward and his heirs to indemnify his said Pledges to the extent of all the property both personal and real of the aforesaid Ward, which he has, or to which he may hereafter be entitled.

ANNEX A 22

Order Summoning the Respondents to the Appeal of Deborah, widow of Philippe Dumaresq, 6th November, 1692, in behalf of her Son, against the Judgement of the Royal Court of Jersey, which gave the Crown certain Wreck of the Sea cast upon the Minquiers Islets in 1692

[The Library, Soci  t   Jersiaise, St. Helier, Jersey]

Copy ¹

Whereas m^{rs}s Deborah Dumaresq widow of Phillipe Dumaresq Esq^{re} and Tutrice of her child hath by her   tturny[sic] m^{tr}e Charles Dumaresq appealed from   [sic] sentence of the Royall Cour^t of Jersey pronounced the 6th day of August 1692 for the benefit of Their ma^{ty}s attorny and Receuier in that Island touching certain Goods of a ship cast away on the Rocks and coast of the miquais ² which appeal is this day entered entred[sic] in the Registre of Council causes These are therefore to will end[sic] require you to summon Their ma^{ty}s aid attorny and Receuier to appear before this Board withⁱⁿ forty dayes next after suche summons according [sic] to the custome of the said Island to answer the appellan^t in the matter of the said sentence and appeal And for so doing this shall be your warran^t. dated at the Council Chamber in whitehall the sext day of Nou  mber 1692 Signed in the original/ ³

RICHARD COLINGE

To the Viscount Denuntiator of Their Ma^{ty}s
Island of Jersey or to any of Their Ma^{ty}'s
officers there whom it may concerne

In obedience of the said order I heue semond Daniel Messervay gentleman their Ma^{ty}'s Aturny and Elias Pipon gentleman their Ma^{ty}'s Receuier to appear before the Counsel board within forty days next ensuing to unsuer[sic] m^{rs}s Deborah Dumaresq according to the aboue written order of w^{ch} I haue Giuen to each one a copy Giuen under my hand at Jersye this 16th [day] of August 1693

[Signature illegible]

¹ A contemporary official copy, the whole document, including the word "Copy" and the signature "Richard Colinge", but excluding the illegible signature at the foot, being in the same hand.

² *i.e.*, the Minquiers Islets.

³ The appeal was entered on the 1st November, 1692: "M^{rs} Deborah Dumaresque hath this day Entred an appeal, from a sentence of the Court of Jerzey on y^e 6th August 1692, for the benefit of Their Ma^{ty}'s Proctor & Receiver in that Island." [Privy Council Register, 2/75, f. 22]. On the 7th September, 1693, however, the Respondents (Daniel Messervy and Elias Pipon, respectively Attorney General and Receiver of Jersey), petitioned the Council, praying that Mrs. Dumaresq's appeal might be dismissed "with reasonable Costs", as "the Appellant did not prosecute her appeal with due Effect, in time"; whereupon the matter of their petition was referred for consideration and a report thereon [*ibid.*, f. 222]. Mrs. Dumaresq, in her turn, petitioned the Council (12th October, 1693), praying that her appeal "might be put off till Easter Term next", which was granted, her attorney, Charles Dumaresq, being detained in Jersey owing to his official duties as "Storekeeper" [*ibid.*, f. 255]. The Privy Council Registers contain no further references to the case.

ANNEX A 23

[Not reproduced]

Agreement¹ between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic regarding Rights of Fishery in areas of the Ecrehos and Minquiers

London, 30th January, 1951

[Ratifications exchanged at Paris on 24th September, 1951]

ANNEX A 24

Dispatch from the French Ambassador, 12th June, 1820, to the Foreign Office, alleging Violations of French Territorial Waters by British Fishermen

[Foreign Office Papers, 27/239]

Londres cc 12 Juin 1820

My lord

M^r le Marquis de Latour-Maubourg a entretenu plusieurs fois Votre Excellence des plaintes que formaient nos pêcheurs relativement au droit que s'arrogeaient les bateaux anglais de venir pêcher sur les bancs d'huitres situés au Nord de Granville. Je prends la liberté, My lord, de me referer[sic] à la Note que M^r le Marquis de Latour-Maubourg eut l'honneur d'adresser à Votre Excellence en date du 24 Août de l'année dernière et j'y ajouterai comme éclaircissemens copies de plusieurs pièces² accompagnées de deux Cartes³ sur lesquelles le Ministre de la Marine a fait tracer les limites dans lesquelles il serait à désirer[sic] que les pêcheurs des deux nations se renfermassent[sic] pour éviter toute discussion ultérieure.

Votre Excellence verra par les détails contenus dans les papiers que j'ai l'honneur de lui transmettre que les violations de Territoire dont nous avions lieu de nous plaindre l'année dernière se sont renouvelées cette année avec plus de suite que jamais. Le Gouvernement de Sa Majesté Très Chrétienne ne peut rester indifférent sur un droit dont la violation priverait de ses moyens d'existence une population intéressante [sic] et très considérable. Le Ministre de la Marine a fait en conséquence des dispositions pour protéger et faire respecter nos limites ; il a établi une croisière avec ordre toutefois à l'Officier qui la commandait de n'employer que la voie des représentations[sic], mais ce moyen n'a eu aucun succès et les pêcheurs anglais, au nombre de 28 bateaux, n'en ont pas moins continué et se sont même portés sur un banc situé à la proximité de Granville et laissé en réserve[sic] par nos pêcheurs qui pendant trois ans ont employé tous leurs soins à le repeupler.

¹ Treaty Series No. 4 (1952). Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty, January 1952. London, His Majesty's Stationery Office, Cmd. 8444.

² The relevant document is printed in the following Annex A 25.

³ See Annexes B 4 and B 5.

Je reçois, My lord, de Mr le Baron Pasquier, l'ordre d'appeler de nouveau sur cet objet la plus sérieuse[sic] attention de Votre Excellence en la priant instamment de vouloir bien provoquer les ordres nécessaires[sic] pour prévenir le retour de ces dévastations. Le Gouvernement du Roi le désire et le sollicite d'autant plus vivement qu'il sera par là dispensé de recourir à des moyens de répression qu'autorise le droit de Souveraineté et que commande l'intérêt[sic] d'une classe de sujets auxquels il doit et ne peut refuser son appui.

Je me permettrai, My lord, de réclamer des bontés de Votre Excellence la réponse la plus prompte possible à la demande que j'ai l'honneur de lui faire, mon Gouvernement attachant le plus grand prix à voir mettre au plutôt un terme aux violations dont il se plaint et dont chaque jour de retard aurait encore les plus fâcheuses conséquences.

J'ai l'honneur d'être, My lord, avec la plus haute considération[sic].
De Votre Excellence.

Le tres[sic] humble &
très obeissant[sic] serviteur.
G. DE CARAMAN

S. E. Lord Castlereagh, & & &

ANNEX A 25

Extract from a Letter from the French Minister of Marine, 14th September, 1819, to the French Foreign Minister, giving Details of alleged Violations of French Territorial Waters by British Fishermen, and including the Minquiers Islets as among British Possessions in the Channel Islands

[*Foreign Office Papers, 27/239*]

Extrait d'une Lettre du Ministre de la Marine au Ministre des Affaires Etrangères en date du 14 Sep^{bre} 1819.

Des réclamations m'ayant été adressées sur le préjudice qu'occasionne au commerce de Granville des bateaux[sic] anglais qui viennent faire la pêche sur les bancs d'huitres voisins de ce port, j'ai demandé des renseignements qui me missent à portée de juger si cette pratique avait lieu avant la dernière guerre ou seulement depuis la paix de 1814, et si les bateaux venaient des ports d'Angleterre même, ou des isles¹ de Jersey et de Guernsey.

Il résulte des rapports qui m'ont été faits sur cet objet.

1°. Qu'avant la révolution les bancs d'huitres dont il s'agit, étaient exploités par les seuls pêcheurs français.

2°. Que ce n'est que vers 1809, que des pêcheurs de Jersey commencent à faire la pêche des huitres, mais seulement sur les côtes de cette Ile.

3°. Que sur la fin de la guerre ils firent cette pêche au large entre les rochers d'Echroun et vers les Iles de Cers² et d'Aurigny.

¹ It should be noted that both the archaic and the modern spelling of this word are used.

² Sark.

4°. Que depuis la paix de 1814 les mêmes pêcheurs et d'autres en grand nombre venus des ports d'Angleterre se sont portés vers la cote[sic] de France près les caps de Flamanville, de Rozel, de Carteret, jusqu'à l'anse de Pirou.

5°. Que dans les années 1816 & 1817 ils ont pêché entre les isles de

Chausey et les Minquiers et ont plusieurs fois relaché[sic] à Chausey

6°. Enfin qu'un nombre considerable de ces pêcheurs, provenant presque tous des ports d'Angleterre se sont portés pour la première fois, au commencement d'avril 1819, et se sont tenus pendant tout ce mois et le suivant, sur les bancs d'huitres situés le long de la Côte de Blainville ¹, d'Agon, de Rignéville ² et de Montmartin.

Il m'avait été proposé d'obliger les pêcheurs anglais à se tenir à une distance de trois lieues de la Cote[sic], et cette proposition, était motivée sur ce que la France ayant une étendue de côtes beaucoup plus considérable que celle résultante des Iles qui appartiennent à l'Angleterre, dans la Manche, cette première puissance semblait avoir droit à l'exploitation excluse d'une étendue proportionnée de Mer.

Mais j'ai considéré que jusqu'à présent, les Puissances maritimes n'ont point déterminé d'une manière précise l'étendue de ce qu'on appelle *mer territoriale* ³. Toutefois il est généralement admis que la mer territoriale s'avance jusqu'au point où atteindrait un boulet ou une bombe lancée du rivage et suivant une lettre de Mr le Duc de Richelieu du 16 Juillet 1816, à l'un de mes prédécesseurs, ce principe a été reconnu implicitement par les Lords de l'Amirauté anglaise qui défendirent aux Officiers de la Marine d'Angleterre de poursuivre même des contrebandiers à une distance de moins d'une lieue de la côte de France.

Cependant, en ce qui concerne la police particulière exercée par nos Douanes V.E. sait que d'après la loi du 22 Aout 1791 (Titre 13 article 7) les préposés de cette administration peuvent faire sur les pataches, la visite des batimens[sic] au dessous de 50^(tonnes) qui se trouvent à la mer, jusqu'à la distance de deux lieues des Côtes, et il n'est pas inutile de faire remarquer que nos pêcheurs de Normandie quand ils se portent sur la Côte d'Angleterre ont l'attention de ne pas s'établir à une distance plus rapprochée.

C'est donc cette distance de deux lieues marines que j'ai cru devoir indiquer comme règle ; j'ai fait établir en conséquence, sur deux Cartes ⁴, des côtes de la Manche, deux tracés, l'un en couleur bleue, l'autre en couleur rouge qui indiquent les limites que les Pêcheurs anglais ne doivent pas dépasser sur les Côtes de France et réciproquement la distance à laquelle les Pêcheurs français doivent se tenir des Côtes d'Angleterre.

V.E. trouvera ci-joint des copies de ces tracés, la couleur bleue indique l'étendue de la mer Territoriale pour la France et la Couleur rouge l'étendue de cette Mer pour les Iles d'Aurigny, de Cers ⁵, de Jersey et des Minquiers possédées par l'Angleterre.

V.E. pourra remarquer que ces limites ne rentrent l'une dans l'autre qu'entre les Iles de Chausey et les Minquiers (de deux tiers de lieue) et entre le cap de la hague et l'Ile d'Aurigny (d'une lieue) mais les pecheurs

¹ Blainville.

² Regnéville.

³ Underlined in the original MS.

⁴ See Annexes B 4 and B 5.

⁵ Sark.

[sic] d'huitres ne se portent pas sur ces points : partout ailleurs les limites ne se joignent pas même dans la partie la plus étroite du Canal qui separe l'Ile de Jersey de la Côte de France.

Ainsi, par cette démarcation les droits des pêcheurs de Granville se trouvent établis pour tous les bancs qu'ils sont dans l'usage d'exploiter, de même que pour les autres huitrières sur lesquelles ils pourraient se porter par la suite jusqu'au Havre de St. Germain et au delà.

ANNEX A 26

Letter from Mr. Hobhouse, British Fishery Commissioner, 9th September, 1824, to Mr. Planta, Foreign Office, enclosing a Draft Convention on Fishing

[*Foreign Office Papers, 27/323*]

Private

Whitehall

Sept. 9. 1824.

My dear Planta,

It is to my utter dismay that after having tranquilly slept for three months in the Belief that Mr Canning had taken to himself *all*¹ the Oysters, I find myself recalled into the Character of a Plenipo[tentiary]. I have just settled with the Pr. de Polignac the English Translation of the Convention, [of] which the project was two days ago agreed to in French under Mr Canning's Eye. Mr C. will tell you how the matter stands in regard to [*illegible*] &c &c. What I have to ask of you is that supposing the Convention is really to be made, it may be made *forthwith*. It is a great object to me to get into the Country, & nothing else will detain me after the latter part of next Week. Polignac will attend next *Wednesday* at any Hour agreeable to you, & I hope it will not be inconvenient to you to meet him on that day. There must be at least one Meeting I suppose after that.

Polignac & I seem to be equally ignorant of the technical part of our business. Is the Convention to be signed on parchment or on paper? Are both the fair Copies to be made by the same Party, or one by each Party? *He* asks a further question as to the mode in which the two Languages sh^d be dealt with, to w^{ch} I ventured to hazard an answer that they should be arranged in two Columns.

Pray give me a Line *by return of Post*; & having yourself (as I hope) laid in an abundant Stock of Health, allow one to go and do likewise

Y^{rs} sincerely

H. HOBHOUSE

¹ The words in italics are underlined in the original MS.

Draft Convention, settled 9th September, 1824, upon the Extent and Limits of British and French Fisheries along the French Coasts, North and South of Granville, and also along the Coasts of each Country's Possessions in Europe¹

[*Foreign Office Papers, 27/323*]

Settled at a Conference
the 9th of September 1824
at the Home Department.

In the name of the most
holy Trinity.

His Majesty The King of the United Kingdom of Great Britain and Ireland and His Majesty The King of France and Navarre,

Willing to put an end to the Differences which have arisen between some Subjects of the two Kingdoms relative to the Extent and the Limits of the Property of France in the Fisheries situate along the Coasts North and South of Granville and desirous likewise of seizing this opportunity of regulating uniformly and on the footing of the most perfect reciprocity the maritime Limits of the two Countries respecting the Fisheries situate along the Coasts of their respective Possessions in Europe :

Have named for this purpose for their respective Plenipotentiaries, namely²

Who being supplied with the necessary full powers, have agreed on the following Articles :

Article. 1.

The High Contracting Parties reciprocally recognize as inherent in the territorial Sovereignty of each State, the exclusive Right of fishing within the Distance of one Marine League or the twentieth part of a Degree from the Shore along the Coasts of their respective Possessions in Europe.

They equally recognize beyond the Limits above expressed in respect to the Fisheries of Oysters, Muscles and other Shell-fish of the same Nature the special and exclusive Right to such Fisheries whether belonging to the Crown or to the Domaines of the State, or to Individuals or to Corporations of either Nation, in all cases where this Right shall be founded on Charters Royal Ordinances, Edicts, Grants of the Crown, or private Grants, legislative Acts, judicial Decisions now in force, or on immemorial Usage or on local or personal Privileges, which would be recognized as legal by the competent Tribunals in that of the two Countries, in which the Exercise of the said Privilege should be claimed as having existed previously to the present Convention.

Article. 2.

The Limits of the French Fisheries of Oysters, Muscles and other Shell-fish of the same Nature along the Coasts of the Departments of

¹ The limits of British and French Fisheries, as laid down in this Draft Convention, have been plotted by the British Admiralty on a chart to be found at Annex B 6.

² The rest of the page has been left blank for the insertion of the Plenipotentiaries' names.

La Manche of L'Île et Vilaine and of the Côtes du Nord are according to the general Principles above laid down fixed at one Marine League, with the following Exception, which in conformity with the Documents communicated by the one of the high contracting Parties is equally founded on the Principles set forth in the first Article of the present Convention.

The Line serving as the Basis of the Maritime Limitation along the Coast situated between the Havre de Carteret and the Village of Lingreville is fixed at two marine Leagues from the Point South West of the Havre de Carteret unto another Point West of the Village of Lingreville ; from this point the Line shall turn round the Isles of Chausey at the distance of one marine League unto the Rocks called les Sauvages, from which point it shall take a Southerly Direction on the Headland du Menga, approaching the Coasts to the distance of one Marine League, from whence it shall take a Westerly Direction, keeping the same Distance along the Coasts of the Department of the Côtes du Nord.

Article. 3.

The Limits of the English Fisheries of Oysters, Muscles, and other Shell-fish of the same nature, are fixed at one Marine League round the Isles of Guernsey Alderney and Sark and at two Marine Leagues round the Isle of Jersey.

Article. 4.

The Distances taken from the Shore along the Coasts of the two respective States and specified in the preceding Articles as those which ought to form the Maritime Limits of the two Countries regarding their respective Fisheries shall be taken from the low water mark.

Wherever by reason of the Nearness of the two Coasts the lines traced as the Maritime Boundary by virtue of the two preceding Articles shall intersect each other, the Mid-channel shall be considered as the respective Limits of the Fisheries of the two Nations.

Article. 5.

As soon as maybe after the Exchange of the Ratifications of the present Convention, the high contracting Parties shall cause to be marked out on the Spot, the respective Limits of the Fisheries of Oysters, Muscles and other Shell-fish of the same Nature designated in the second and third Articles.

Each of the High Contracting Parties shall name a Commissioner who shall come to an Understanding with a Commissioner appointed by the other High Contracting Party for the Purpose of marking out the said Limits.

Article. 6.

Their Majesties The King of the United Kingdom of Great Britain and Ireland and The King of France and Navarre reciprocally engage to take care that their respective Subjects shall abstain from fishing within the Limits above fixed along the Coasts of the other Country.

Article. 7.

This convention shall be ratified by the two High Contracting Parties, and the Ratifications shall be exchanged in London within one Month or sooner if it can be done.

In Faith whereof the respective Plenipotentiaries have signed the present Convention and have placed thereto the Seal of their Arms.

Done at London this ¹ in the Year of Our Lord, one thousand eight hundred and twenty four.

ANNEX A 27

Convention of the 2nd August, 1839², between the United Kingdom of Great Britain and Ireland and His Majesty The King of The French, defining Fishery Limits on the Coasts of Great Britain and France, and Ratification by King Louis Philippe, 16th August, 1839

[*Foreign Office Ratifications of Treaties (France), No. 103*]

LOUIS PHILIPPE, Roi des Français, à tous ceux qui ces présentes Lettres verront, **Salut.**

Ayant vu et examiné la Convention conclue à Paris, le deux du présent mois d'août, entre la France et la Grande Bretagne, pour la délimitation des **pêcheries** sur les côtes respectives des deux pays, par Notre Plénipotentiaire muni de pleins pouvoirs spéciaux, avec le Plénipotentiaire également muni de pleins pouvoirs en bonne forme, de la part de **Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande** ;

De laquelle Convention la teneur suit :

Convention.

Sa Majesté Le Roi des Français et feu Sa Majesté Le Roi du Royaume-Uni de la Grande Bretagne et d'Irlande, ayant, en l'année 1837, nommé une Commission mixte, pour établir et déterminer les limites en dedans desquelles les sujets des pays respectifs pourront librement exercer la pêche des huîtres entre

CONVENTION

Whereas His Majesty the King of the French and His late Majesty the King of the United Kingdom of Great Britain and Ireland, appointed in the year 1837, a mixed Commission for the purpose of ascertaining and defining the limits within which the subjects of the two countries respectively should be at liberty

¹ A space has been left for the insertion of the day and the month.

² The above text is taken from the French version of the Convention, deposited with Her Britannic Majesty's Government, and now in the Public Record Office, London. The Convention was also ratified by the United Kingdom. The chart accompanying the Convention will be found at Annex B 7.

l'île de Jersey et les côtes avoisinantes de France ;

Les Membres de la dite Commission étant convenus de certaines lignes (tracées sur une carte à laquelle il sera référé plus loin) pour déterminer les dites limites, et étant aussi tombés d'accord sur certains arrangements qui leur semblent devoir prévenir le renouvellement des disputes qui se sont souvent élevées entre les pêcheurs des deux nations ;

Il a paru opportun à Sa Majesté **Le Roi des Français** et à Sa Majesté **la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande**, que les limites dont sont convenus les dits Commissaires, et les arrangements qu'ils ont proposés, fussent reconnus et sanctionnés par une Convention qui sera conclue entre leurs dites Majestés ;

Et comme les hautes Parties contractantes ont aussi considéré qu'il était à désirer que les limites, en dedans desquelles le droit général de pêche sur toutes les parties des côtes des deux pays, sera exclusivement réservé aux sujets respectifs de la France et de la Grande Bretagne, fussent définies et réglées, les dites Hautes Parties contractantes ont, à cet effet, nommé pour plénipotentiaires, Savoir :

Sa Majesté le Roi des Français,

Monsieur Jean de Dieu Soult, Duc de Dalmatie, Maréchal et Pair de France, Grand' Croix de, Son Ordre Royal de la Légion d'honneur, & & & Son Ministre et Secrétaire d'Etat au Département des Affaires étrangères, Président de Son Conseil des Ministres ;

Et Sa Majesté **la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande,**

to fish for oysters between the Island of Jersey and the neighbouring coast of France.

And whereas the Commissioners so appointed have agreed upon certain lines, as marked in a *Chart hereinafter referred to*, as the limits above mentioned, and have also agreed upon certain arrangements, which they conceive to be calculated to prevent the recurrence of disputes which have, at various times, arisen between the fishermen of the two countries ;

It has been deemed expedient by His Majesty **the King of the French**, and by Her Majesty **the Queen of the United Kingdom of Great Britain and Ireland**, that the limits agreed upon, and the arrangements proposed by the said Commissioners should be recorded and sanctioned by a Convention to be concluded between Their said Majesties.

And whereas the High Contracting Parties have also considered it desirable to define and regulate the limits within which the general right of fishery on all parts of the coasts of the two countries shall be exclusively reserved to the subjects of France and of Great Britain respectively, the said High Contracting Parties have, therefore, named as Their Plenipotentiaries for this purpose, that is to say :

His Majesty the King of the French,

Jean de Dieu Soult, Duke of Dalmatia, Marshall & Peer of France, Grand Cross of, His Royal Order of the Legion of Honour, & & & His Minister and Secretary of State for the Department of foreign Affairs, President of His council of Ministers ;

And Her Majesty **the Queen of the United Kingdom of Great Britain and Ireland,**

Le très honorable Granville, Comte Granville, Pair du Royaume-Uni, Chevalier Grand' Croix du très honorable Ordre du Bain, membre du Conseil privé et Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté Britannique près de Sa Majesté le Roi des Français;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs trouvés en bonne et due forme, ont arrêté et conclu les articles suivants :

Art : 1^{er}

Il est convenu que les lignes tracées entre les points indiqués par les lettres **A B C D E F G H I K**, sur la Carte annexée à la présente Convention et signée par les Plénipotentiaires respectifs, seront reconnues par les Hautes Parties contractantes comme déterminant les limites entre lesquelles et les côtes de France, la pêche des huîtres sera exclusivement réservée aux sujets Français ; ces lignes sont comme suit :

La première ligne se dirige du point **A**, à trois milles de la laisse de basse mer (*la pointe du Menga*¹ restant au Sud) jusqu'au point **B**, dont les amers sont la *Tour d'Agon* par la *touffe d'arbres*¹ sur le *mont Huchon*, et le *sommet de Gros Mont* en ligne avec le *signal sur Grand Ile*.

La seconde ligne court du dit point **B** vers la *Tour d'Agon* et la *Touffe d'arbres* sur le *mont Huchon*, dans la direction Nord 64 degrés Est, jusqu'à relever au point **C**, le *moulin de Lingreville*, à l'Est du monde.

The Right honourable Granville, Earl Granville, Peer of the Realm, Knight Grand Cross of the most honourable Order of the Bath, a privy Counsellor, and Her Britannic Majesty's Ambassador extraordinary and plenipotentiary to His Majesty the King of the French ;

Who, after having communicated to each other their respective full powers found to be in due form, have agreed upon and concluded the following articles.

Art : 1st

It is agreed that the lines drawn between the points designated by the letters **A B C D E F G H I K**, on the Chart annexed to the present Convention, and signed by the respective Plenipotentiaries, shall be acknowledged by the High Contracting Parties as defining the limits between which and the French shore the oyster fishery shall be reserved exclusively to french [*sic*] subjects ; and these lines are as follows :

That is to say ; the first line runs from the point **A**, three miles from low water mark (*Point Meinga*¹ bearing South) to the point **B** of which the landmarks are *Agon Tower*, on which the *Clump of Trees*¹ upon *Mont Huchon*, and the *summit of Gros Mont*, in a line with the signal post on *Grand Isle*.

The second line runs from the said point **B** towards *Agon Tower* and the *Clump of Trees* upon *Mont Huchon* in the direction north 64 degrees East, until at the point **C** it brings the *windmill of Lingreville* to bear due East.

¹ The landmarks in italics taken as points are underlined in both texts of the original document. It will be observed that there are some slight discrepancies between the French and English texts in this respect.

Partant du point C, la troisième ligne court, Est du monde, vers le moulin de Lingreville, jusqu'à ramener au point D le rocher l'Etat par le Grand Huguenant.

La quatrième ligne se dirige du point D vers le Nord, (relevant toujours l'Etat par le Grand Huguenant) jusqu'à la section en E d'une ligne ayant pour amers la Tour d'Agon par la cathédrale de Coutances.

La cinquième ligne court, dans la direction de l'Est, du point E au point F, où le clocher de Pirou se relève par le Rocher de Sennequet.

La sixième ligne partant du point F, se dirige vers Nord du monde jusqu'au point G, dont les amers sont le clocher de Blainville par le Sennequet.

La septième ligne court du point G, vers le clocher de Pirou, jusqu'au point H, où le Phare du Cap Carteret reste au Nord 24 degrés Ouest.

La huitième ligne court du point H au point I qui est, à peu près par le travers de Port-Bail, et qui a pour amers le fort de Port-Bail en ligne avec le clocher de Port-Bail.

La neuvième ligne enfin court du Point I aux trois Grunes, point K, où le cap Carteret reste à l'Est 10 degrés Nord, par le clocher de Barneville.

Il est en outre convenu que tous les relèvements désignés au présent article sont corrigés de la variation du compas et non calculés d'après le méridien magnétique.

Art : 2.

La pêche des huîtres en dedans de trois milles (calculés de la laisse de basse mer) de l'île de Jersey¹, sera exclusivement réservée aux sujets Britanniques.

¹ de Jersey is underlined in the French but not in the English version.

The third line runs from point C, due East, towards Lingreville windmill, until the Grand Huguenant is brought to bear on the Etat Rock at point D.

The fourth line runs from point D, northward and keeping the Grand Huguenant in one with the Etat Rock, until it intersects, at E, a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs Eastward, from point E to point F, where the Steeple of Pirou is brought to bear in a line with Sennequet Rock.

The sixth line runs from point, F due North, to point G, where the steeple of Blainville is brought in a line with the Sennequet Rock.

The seventh line runs from point G, (in the direction of Pirou Steeple) to point H, where the light-house on Cape Carteret bears north 24 degrees west.

The eight[sic] line runs from point H to point I, nearly abreast of Port Bail: point I having for landmarks the fort of Port Bail in a line with the Steeple of Port Bail.

And, finally, the ninth line runs from point I to the Three Grunes at point K, where Cape Carteret bears East 10 degrees north in a line with Barneville Church.

It is further agreed and understood that all the bearings specified in the present article are to be taken according to the true meridian, and not according to the magnetic meridian.

Art : 2.

The oyster fishery within three miles of the Island of Jersey, calculated from low water mark, shall be reserved exclusively to british[sic] subjects.

Art : 3.

Sera commune aux sujets des deux pays, la pêche des huîtres entre les limites cidessus désignées, et en dedans desquelles cette pêche est exclusivement réservée, soit aux pêcheurs français, soit aux sujets britanniques.

Art : 4.

Depuis le coucher du soleil jusqu'au lever du soleil suivant, il sera défendu aux sujets des deux pays respectivement de draguer des huîtres entre les côtes de France et les côtes de Jersey, du *Cap Carteret* à la pointe du *Menga*¹.

Art : 5.

Attendu que les lois de France exigent que tous les bateaux de pêche français soient marqués et numérotés, il est convenu par ces présentes que tous bateaux pêcheurs britanniques draguant des huîtres entre Jersey et les côtes de France seront aussi marqués et numérotés.

Art : 6.

Tous bateaux pêcheurs britanniques engagés dans la dite pêche, seront inscrits au bureau de l'Inspection des pêches dans l'île de Jersey, et l'enregistrement de chaque bateau sur la matricule constatera le numéro, la description et le tonnage du dit bateau, ainsi que le nom du propriétaire. Cette inscription devra être renouvelée annuellement avant l'ouverture de la pêche.

Art : 7.

Le droit d'abri, dans les îles *Chausey*² sera accordé aux pêcheurs anglais pour cause d'ava-

Art : 3.

The oyster fishery outside of the limits within which that fishery is exclusively reserved to french and british subjects respectively, as stipulated in the preceding articles, shall be common to the subjects of both countries.

Art. 4.

Between sunset and the ensuing sunrise, the subjects of both countries respectively shall be prohibited from dredging for oysters between the coast of France and the coast of Jersey, from *Cape Carteret* to *point Menga*¹.

Art : 5.

Inasmuch as the law of France requires that all French fishing boats shall be marked and numbered, it is hereby agreed, that all british fishing boats dredging for oysters between Jersey and the coast of France shall also be marked and numbered.

Art : 6.

All british boats employed in the said oyster fishery shall be registered at the Office of the Inspector of fisheries in the island of Jersey : and the entry of each boat on the register shall state the number, description and tonnage of such boat, and also the name of its owner. This entry must be repeated every year on or before the commencement of the fishing season.

Art : 7.

The right of shelter in the islands of Chausey shall be granted to English fishermen on

¹ Cap Carteret and du Menga are underlined in the French version ; Cape Carteret and point Menga in the English.

² Chausey is underlined in the French version but not in the English.

ries ou de mauvais temps évident.

account of damage or of evident bad weather.

Art : 8.

Lorsque les bateaux pêcheurs d'une des deux nations seront portés en dedans des limites de pêche établies pour l'autre pays, par des vents contraires, des courants violents ou par toute autre cause indépendante de la volonté du patron et de l'équipage, ou qu'ils auront enfreint les limites en louvoyant pour regagner leur terrain de pêche, les patrons seront tenus d'arborer aussitôt un pavillon Bleu de deux pieds de Guindant sur trois pieds de largeur, et de conserver ce pavillon en tête du mât aussi longtemps qu'ils resteront en dedans des dites limites.

Les croiseurs de chaque nation apprécieront les causes de ces infractions, et lorsqu'ils auront reconnu que les dits bateaux de pêche n'auront ni dragué ni pêché en dedans des limites cidessus mentionnées, les croiseurs susdits ne devront détenir ni les bateaux ni les équipages, ni exercer, à l'égard de ces derniers, aucune répression.

Art : 9.

Les sujets de Sa Majesté le Roi des Français jouiront du droit exclusif de pêche dans le rayon de trois milles à partir de la laisse de basse mer, le long de toute l'étendue des côtes de France, et les sujets de Sa Majesté Britannique jouiront du droit exclusif de pêche dans un rayon de trois milles de la laisse de basse mer, le long de toute l'étendue des côtes des îles Britanniques.

Bien entendu que sur cette partie des côtes de France qui se trouve entre le *cap Carteret* et la

Art : 8.

Whenever the fishing boats of either of the two nations shall be carried within the limits established for the fishery of the other country, by contrary winds, by strong tides or by any other cause independent of the will of the master and crew; or whenever they shall have passed within those limits in working back to regain their fishing-ground; the masters shall be bound immediately to hoist a blue flag of two feet long and three feet broad, and to keep that flag at the mast head so long as they shall remain within the said limits.

The cruisers of each nation shall exercise their judgment as to the causes of such trespassings; and when they shall be satisfied that the said fishing boats have neither dredged nor fished within the limits above-mentioned the aforesaid cruisers shall not detain either the boats or the crews, nor use any measures of severity towards the latter.

Art : 9.

The subjects of His Majesty the King of the French shall enjoy the exclusive right of fishery within the distance of three miles from low water mark, along the whole extent of the coasts of France, and the subjects of Her Britannick Majesty shall enjoy the exclusive right of fishery within the distance of three miles from low water mark, along the whole extent of the coasts of the British Islands.

It being understood that upon that part of the coast of France which lies between *Cape Carteret*

pointe du *Menga*¹, le droit exclusif de toute espèce de pêche n'appartiendra qu'aux sujets français en dedans des limites mentionnées en l'article 1^{er} de la présente Convention.

Il est également entendu que le rayon de trois milles, fixant la limite générale du droit exclusif de pêche sur les côtes des deux pays, sera mesuré pour les baies dont l'ouverture n'excédera pas dix milles, à partir d'une ligne droite allant d'un cap à l'autre.

Art : 10.

Il est convenu que les milles mentionnés en la présente Convention sont des milles géographiques de 60 au degré de latitude.

Art : 11.

Dans le but de prévenir les collisions qui, de temps à autre, ont lieu sur les mers entre les côtes de France et de la Grande Bretagne parmi les dragueurs, les pêcheurs à la ligne et au filet des deux pays, les Hautes Parties Contractantes consentent à nommer, dans le délai de deux mois qui suivront l'échange des Ratifications de la présente Convention, une Commission qui sera composée d'un nombre égal d'individus de chaque nation, qui prépareront une série de réglemens sur les devoirs et obligations des pêcheurs des deux pays dans les susdites mers.

Ces réglemens seront soumis par les dits Commissaires à leurs Gouvernements respectifs pour être, approuvés et confirmés, et les Hautes Parties Contractantes s'engagent à proposer à la législature de leurs nations les mesu-

and *Point Meinga*¹, French subjects shall enjoy the exclusive right of all kinds of fishery within the limits assigned in first article of this Convention for the french oyster fishery.

It is equally agreed that the distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries, shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

Art : 10.

It is agreed and understood that the miles mentioned in the present Convention are geographical miles, whereof sixty make a degree of latitude.

Art : 11.

With a view to prevent the collisions which now, from time to time, take place on the seas lying between the coasts of France and of Great Britain between the trawlers and the line and long net fishers of the two countries, the High Contracting Parties agree to appoint, within two months after the exchange of the Ratification of the present Convention, a Commission consisting of an equal number of individuals of each nation, who shall prepare a set of regulations for the guidance of the fishermen of the two countries, in the seas above-mentioned.

The regulations so drawn up, shall be submitted by the said Commissioners to the two Governments respectively for approval and confirmation; and the High Contracting Parties engage to propose to the Legislatures of

¹ Cap Carteret and Menga are underlined in the French version; Cape Carteret and Point Meinga are underlined in the English.

res nécessaires pour assurer l'exécution des réglemens qui seront ainsi approuvés et confirmés.

Art : 12.

La présente Convention sera ratifiée, et la Ratification sera échangée dans l'espace de six semaines.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Paris, le deuxième jour du mois d'Août, de l'an de grâce mil huit cent trente neuf.

(L.S.) signé—**M^{al} DUC DE DALMATIE.**

(L.S.)—**GRANVILLE.**

Nous, ayant agréable la susdite Convention, en toutes et chacune des dispositions qui y sont contenues, **Déclarons**, tant pour Nous, que pour Nos Héritiers et successeurs, qu'elle est approuvée, acceptée, ratifiée et confirmée, et, par ces présentes signées de Notre Main, Nous l'approuvons, acceptons, ratifions et confirmons : **Promettant**, en foi et parole de **Roi**, de l'observer et de la faire observer inviolablement sans jamais y contrevenir ni permettre qu'il y soit contrevenu directement ni indirectement pour quelque cause et sous quelque prétexte que ce soit. En foi de quoi, Nous avons fait mettre Notre Sceau à ces présentes. **Donné** en notre Palais de St Cloud, le 16^{ème} jour du mois d'août, l'an de grâce mil huit cent trente neuf.

LOUIS PHILIPPE

M^{al} DUC DE DALMATIE.

their respective countries such measures, as may be necessary for the purpose of carrying into effect the regulations which may be thus approved and confirmed.

Art : 12.

The present Convention shall be ratified, and the Ratifications shall be exchanged within six weeks from the date thereof.

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at Paris, the second day of August, in the year of Our Lord one thousand eight hundred and thirty nine.

ANNEX A 28

Convention of the 11th November, 1867¹, between the United Kingdom of Great Britain and Ireland and His Majesty The Emperor of The French, revising the Convention of the 2nd August, 1839, defining Fishery Limits on the Coasts of Great Britain and France, and Ratification by Napoleon III, 18th December, 1867

[*Foreign Office Ratifications of Treaties (France)*, No. 607]

Ratifications de Sa Majesté l'Empereur des Français sur la Convention relative aux Pêcheries conclue, le 11 Novembre 1867, entre la France et la Grande-Bretagne.

NAPOLEON, Par la grâce de Dieu et la Volonté Nationale, **Empereur des Français**, à tous ceux qui ces présentes Lettres verront, **Salut**.

Une Convention sur les Pêcheries ayant été conclue, le 11 Novembre 1867, entre la France et le Royaume-Uni de la Grande-Bretagne et d'Irlande ;

Convention dont la teneur suit :

Sa Majesté l'Empereur des Français et Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, ayant chargé une Commission mixte de préparer la révision de la Convention du 2 Août 1839 et du règlement du 23 Juin 1843, sur les pêcheries dans les mers situées entre la France et la Grande Bretagne, et les membres de cette Commission étant tombés d'accord sur certains arrangements dont l'expérience a démontré l'utilité, et qui Leur ont paru pouvoir modifier et compléter avantageusement les dispositions antérieures dans l'intérêt commun des pêcheurs des deux Pays ; Leurs dites Majestés ont jugé opportun que les arrangements proposés par la dite Commission mixte fussent sanctionnés par une nouvelle Convention, et ont, à

His Majesty the Emperor of the French and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having charged a Mixed Commission with preparing a revision of the Convention of the 2nd of August, 1839, and of the Regulation of June 23, 1843, relative to the fisheries in the seas situated between Great Britain and France ; and the Members of that Commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of the fishermen of the two countries ; Their said Majesties have judged it expedient that the arrangements proposed by the said Commission should

¹ The above text is taken from the French version of the Convention, deposited with Her Britannic Majesty's Government, and now in the Public Record Office, London. The Convention was also ratified by the United Kingdom, and carried into effect by the Sea Fisheries Act of 1868. France, however, never put the Convention into effect. The chart accompanying the Convention will be found at Annexe B 8.

cet effet, nommé pour Leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur des Français, M. Léonel Marquis de Moustier, Grand' Croix de Son Ordre Impérial de la Légion d'Honneur, etc. etc., Son Ministre et Secrétaire d'Etat au Département des Affaires Etrangères ;

et Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, le très-honorable Richard Bickerton Pemell Lord Lyons, Pair du Royaume-Uni, Membre du très-honorable Conseil privé de Sa Majesté Britannique, Chevalier Grand' Croix du très-honorable Ordre du Bain, Ambassadeur extraordinaire et Plénipotentiaire de Sa Majesté Britannique près Sa Majesté l'Empereur des Français.

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et conclu les articles suivants :

Art : 1^{er}.

Les pêcheurs français jouiront du droit exclusif de pêche dans le rayon de trois milles, à partir de la laisse de basse-mer, le long de toute l'étendue des côtes de France ; et les pêcheurs britanniques jouiront du droit exclusif de pêche dans un rayon de trois milles de la laisse de basse-mer, le long de toute l'étendue des côtes des Iles Britanniques. Il ne sera dérogé à cette règle que pour la partie des côtes de France comprise entre la pointe de Meinga et le Cap Carteret.

Le rayon de trois milles fixant la limite générale du droit exclusif de pêche sur les côtes des deux Pays sera mesurée[*sic*] pour les

be sanctioned by a new Convention, and have for that purpose named as their Plenipotentiaries, that is to say :

His Majesty the Emperor of the French, Leonel, Marquis de Moustier, Grand Cross of the Imperial Order of the Legion of Honour, etc., etc., His Minister and Secretary of State for Foreign Affairs ;

and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the right honourable Richard Bickerton Pemell Lord Lyons, a Peer of the United Kingdom, a Member of Her Britannic Majesty's most honourable Privy Council, Knight Grand Cross of the most honourable Order of the Bath, Her Britannic Majesty's Ambassador extraordinary and Plenipotentiary to his Majesty the Emperor of the French.

Who, after having communicated to each other their Full Powers, found in good and due form, have agreed upon and concluded the following Articles :

Art : 1^{er}.

British fishermen shall enjoy the exclusive right of fishery within the distance of three miles of low-water mark, along the whole extent of the coasts of the British Islands ; and French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France, the only exception to this rule being that part of the coast of France which lies between Cap Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries

baies dont l'ouverture n'ex[c]édera pas dix milles, à partir d'une ligne droite allant d'un cap à l'autre.

Les milles mentionnés en la présente Convention sont des milles géographiques de soixante au degré de latitude.

Art : 2.

Il est convenu que les lignes tracées entre les points indiqués par les lettres **A, B, C, D, E, F, G, H, I, K**, sur la Carte annexée à la présente Convention, et signée par les Plénipotentiaires respectifs, seront reconnues par les Hautes Parties Contractantes comme déterminant, à partir de la pointe de Meinga jusqu'au Cap Carteret, les limites en dedans desquelles le droit de pêche sera exclusivement réservé aux pêcheurs français ; ces lignes sont comme suit :

La première ligne se dirige du point **A** à trois milles de la laisse de basse-mer (la pointe de Meinga restant au Sud), jusqu'au point **B** dont les amers sont la Tour d'Agon par la touffe d'arbres sur le mont Huchon, et le sommet de Gros-Mont en ligne avec le sémaphore de Grande Ile.

La seconde ligne court du dit point **B** vers la Tour d'Agon et la touffe d'arbres sur le Mont Huchon dans la direction Nord, soixante-quatre degrés Est, jusqu'à relever, au point **C** le Moulin de Lingreville, à l'Est du Monde.

Partant du point **C**, la troisième ligne court Est du Monde, vers le Moulin de Lingreville, jusqu'à ramener au point **D**, le Rocher l'Etat par le Grand Huguenant.

La quatrième ligne se dirige du point **D**, vers le Nord (relevant toujours l'Etat par le Grand

shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present Convention are geographical miles whereof sixty make a degree of latitude.

Art : 2.

It is agreed that the lines drawn between the points designated by the letters **A, B, C, D, E, F, G, H, I, K**, on the chart annexed to the present Convention, and signed by the respective Plenipotentiaries shall be acknowledged by the High Contracting Parties, as defining from Point Meinga to Cape Carteret, the limits between which and the french shore the right of fishery shall be reserved exclusively to french fishermen, and these lines are as follows, that is to say :

The first line runs from the point **A**, three miles from low-water mark (Point Meinga bearing south) to the point **B**, of which the landmarks are Agon Tower, on with the Clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the semaphore on Grand Isle.

The second line runs from the said point **B** towards Agon Tower and the clump of trees upon Mount Huchon, in the direction North sixty-four degrees east, until, at the point **C**, it brings the windmill of Lingreville to bear due east.

The third line runs from point **C** due east towards Lingreville windmill, until the Grand Huguenant is brought to bear on the Etat Rock at point **D**.

The fourth line runs from point **D** northward (keeping the Grand Huguenant in one with the Etat

Huguenant) jusqu'à la section en **E** d'une ligne ayant pour amers la Tour d'Agon par la Cathédrale de Coutances.

La cinquième ligne court dans la direction de l'Est, du point **E** au point **F**, où le clocher de Pirou se relève par le phare de Sennequet.

La sixième ligne partant du point **F** se dirige vers le Nord du Monde jusqu'au point **G**, dont les amers sont le clocher de Blainville par le phare de Sennequet.

La septième ligne court du point **G** vers le clocher de Pirou jusqu'au point **H**, où le phare du Cap Carteret reste au Nord, vingt-quatre degrés Ouest.

La huitième ligne court du point **H** au point **I**, qui est à-peu-près par le travers de Port Bail, et qui a pour amers le fort de Port Bail, en ligne avec le clocher de Port Bail.

La neuvième ligne, enfin, court du point **I**, aux Trois Grunes, point **K**, où le Cap Carteret reste à l'Est, dix degrés Nord, par le clocher de Barneville.

Il est, en outre, convenu que tous les relèvements désignés au présent Article sont corrigés de la variation du compas, et non calculés d'après le méridien magnétique.

Art : 3.

Les dispositions de la présente Convention seront applicables au-delà des limites de pêche des deux Pays, telles qu'elles sont définies par les Articles précédents, dans les mers qui baignent les côtes de France depuis la frontière belge, jusqu'à la frontière d'Espagne, et dans celles qui entourent la Grande Bretagne et l'Irlande. Toutefois, les mesures concernant la pêche des huîtres

Rock) until it intersects at **E** a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs eastward from point **E** to point **F**, where the steeple of Pirou is brought to bear in a line with the Sennequet Lighthouse.

The sixth line runs from point **F** due north to point **G**, where the steeple of Blainville is brought in a line with the Sennequet Lighthouse.

The seventh line runs from point **G** in the direction of Pirou steeple to point **H**, where the Lighthouse on Cape Carteret bears north twenty four degrees west.

The eighth line runs from point **H** to point **I** nearly abreast of Port Bail; point **I** having for landmarks the fort of Port Bail, in a line with the steeple of Port Bail.

And finally, the ninth line runs from point **I** to the Three Grunes at point **K**, where Cape Carteret bears east ten degrees north, in a line with Barneville steeple.

It is further agreed that all the bearings specified in the present Article are to be taken according to the true meridian and not according to the magnetic meridian.

Art : 3.

The arrangements of the present Convention shall apply beyond the fishery limits of both countries, as defined by the preceding Articles, to the seas surrounding and adjoining Great Britain and Ireland, and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster-fishery shall, however, be observed, only in the seas com-

tres ne devront être observées que dans les mers comprises entre les limites indiquées ci-après.

Art : 4.

Tous les bateaux de pêche français et britanniques seront numérotés et marqués.

En France, les bateaux de pêche appartenant à un même quartier d'inscription maritime, et dans le Royaume-Uni, ceux appartenant à une même direction des douanes, devront avoir une même série de numéros, précédés de lettres initiales qui seront indiquées par le Ministre de la Marine en France et par la Direction Générale des Douanes dans le Royaume-Uni.

Art : 5.

Les lettres et les numéros seront placés sur chaque côté de l'avant du bateau, à huit ou dix centimètres (trois ou quatre pouces anglais) au-dessous du plat bord, et devront être peints en blanc, à l'huile, sur un fond noir.

Les dimensions de ces lettres et de ces numéros seront, pour les bateaux de quinze tonneaux et au-dessus, de quarante-cinq centimètres, (dix-huit pouces anglais) de hauteur, sur six centimètres (deux pouces et demi anglais) de trait.

Pour les bateaux au dessous de quinze tonneaux, ces dimensions seront de vingt-cinq centimètres (dix pouces anglais) de hauteur, sur quatre centimètres (un pouce trois quarts anglais) de trait.

Les mêmes lettres et numéros seront également placés sur chaque côté de la grande voile du bateau, et peints à l'huile, en noir sur les voiles blanches, et en blanc, aussi à l'huile, sur les voiles tannées ou noires. Ces lettres et numéros ainsi portés

prised within the limits hereinafter described :

Art : 4.

All British and French fishing boats shall be lettered and numbered.

In the United Kingdom, there shall be a series of numbers for the fishing-boats belonging to each collectorship of Customs, and in France a series of numbers for the fishing-boats belonging to each district of Maritime Registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the board of Customs in the United Kingdom, and by the Ministry of Marine in France.

Art : 5.

The letter (or letters) and number shall be placed on each bow of the boat, three or four inches (eight or ten centimetres french) below the gunwale, and they shall be painted in white oil colour on a black ground.

For boats of fifteen tons burthen and upwards the dimensions of the letters and numbers shall be eighteen inches (forty-five centimetres french) in height, and two and a half inches (six centimetres french), in breadth.

For boats of less than fifteen tons burthen, the dimensions shall be ten inches (twenty-five centimetres french) in height, and one and three quarter inches (four centimetres french) in breadth.

The same letter (or letters) and number shall also be painted on each side of the mainsail of the boat, in black oil colour on white sails, and in white oil colour on tanned or black sails. Such letter (or letters) and number on the sails shall be one third

sur les voiles auront un tiers de plus de dimension en tous sens que ceux placés à l'avant du bateau.

Le nom de chaque bateau de pêche, ainsi que celui du port auquel il appartient, seront peints à l'huile en blanc sur un fond noir, sur l'arrière de ce bateau, en caractères qui devront avoir au moins huit centimètres (trois pouces anglais) de hauteur et douze millimètres (un demi-pouce anglais) de trait.

Il est défendu d'effacer, de couvrir ou de cacher par aucun moyen quelconque, les lettres, les numéros et les noms placés sur les bateaux et sur les voiles.

Art : 6.

Les lettres et les numéros affectés à chaque bateau seront portés sur les bouées, barils et flottés principales de chaque filet, et sur tous autres instruments de pêche appartenant à ce bateau.

Ces lettres et ces numéros seront de dimension suffisante pour être facilement reconnus. Les propriétaires de filets ou autres instruments de pêche, pourront, en outre, les marquer de tels signes particuliers qu'ils jugeront convenable.

Art : 7.

Les lettres et les numéros des bateaux de pêche français seront consignés sur les rôles d'équipage de ces bateaux, après avoir été annotés sur la matricule des bateaux, tenue au bureau de l'inscription maritime.

Les lettres et les numéros des bateaux de pêche britanniques seront consignés sur les congés de ces bateaux ou autres papiers de bord, après avoir été annotés sur la matricule des bateaux tenue au bureau de la direction des douanes.

larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour, on a black ground on the stern of the boat, in letters which shall be at least three inches (eight centimetres french) in height and half an inch (twelve millimetres french) in breadth.

The letters, numbers, and names placed on the boats and on their sails shall not be effaced, covered, or concealed in any manner whatsoever.

Art : 6.

All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private mark they judge proper.

Art : 7.

The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of Custom, be inserted on the licences or other official papers of those boats.

The letters and numbers of french fishing boats shall, after having been entered in the Registry book kept at the maritime Registry Office, be inserted on the muster rolls of those boats.

Art : 8.

Les rôles d'équipage des bateaux de pêche français, comme les congés ou autres papiers de bord des bateaux de pêche britanniques, contiendront la description et le tonnage de chaque bateau, ainsi que les noms du propriétaire et du patron.

Art : 9.

Les pêcheurs de l'un et de l'autre Pays seront tenus, toutes les fois qu'ils en seront requis, d'exhiber leurs rôles d'équipage, leurs congés ou autres papiers de bord aux commandants des bâtiments gardes-pêches ainsi qu'à tous autres agents préposés, dans les deux Pays à la police des pêches.

Art : 10.

Toute espèce de pêche, par quelque procédé que ce soit, pourra être pratiquée en toute sa son, dans les mers situées en dehors des limites de pêche qui ont été fixées pour les deux Pays. Il n'est fait d'exception à cette règle que pour la pêche des huitres, ainsi qu'il est dit ci-après.

Art : 11.

Il est défendu de pêcher des huitres, du 16 juin au 31 août inclusivement, en dehors des limites de pêche qui ont été fixées pour les deux Pays, entre les lignes joignant, d'une part, Dunkerque au phare de North Foreland, et, de l'autre, Ouessant au Cap Land's-End.

Pendant la même période et dans la même partie de la Manche, les bateaux ne devront avoir à bord aucune drague à huitres, à moins que cette drague ne soit plombée par la douane de l'un ou de l'autre des deux Pays, de telle sorte qu'on ne puisse pas en faire usage.

Art : 8.

The licences or other official papers of British fishing boats, and the muster rolls of french fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

Art : 9.

The fishermen of both countries, shall, whenever required, exhibit their licences or other official papers, or their muster rolls, to the commanders of the fishery cruizers, and to all other persons of either country appointed to superintend the fisheries.

Art : 10.

Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as hereinafter expressed.

Art : 11.

From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited, outside the fishery limits which have been fixed for the two countries, between a line drawn from the North Foreland Light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the Channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the Customs Authorities of one of the two countries in such a manner as to prevent its being made use of.

Art : 12.

Il est défendu à tout bâtiment ou embarcation de mouiller entre le coucher et le lever du soleil, dans les parages où se trouvent établis des pêcheurs aux filets dérivants.

Cette défense ne s'applique pas à des mouillages qui auraient lieu par suite d'accidents ou par toute autre circonstance de force majeure ; mais, dans ce cas, le patron du bateau qui aura été dans la nécessité de mouiller, sera tenu d'arborer, pour être vus de loin, deux feux, placés horizontalement, à un mètre (trois pieds anglais) environ de distance l'un de l'autre, et de les tenir arborés pendant tout le temps que le bateau restera à l'ancre.

Art : 13.

Les bateaux qui font la pêche avec des filets dérivants seront tenus d'arborer deux feux sur un de leurs mâts, à un mètre (trois pieds anglais) l'un au-dessus de l'autre.

Ces feux resteront arborés pendant tout le temps que leurs filets seront à la mer, entre le coucher et le lever du soleil.

Art : 14.

Indépendamment des dispositions spéciales indiquées dans les deux articles précédents, les bateaux pêcheurs des deux Pays se conformeront aux règles générales relatives aux feux adoptées pour les deux Pays.

Art : 15.

Il est défendu aux bateaux chalutiers de mettre en pêche à une distance moindre que trois milles de tout bateau faisant la pêche avec des filets dérivants.

Si les bateaux chalutiers ont déjà leurs filets à la mer, ils ne pourront s'approcher des bateaux

Art : 12.

No boat shall anchor between sunset and sunrise on grounds where drift net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents or any other compulsory circumstances ; but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights, placed horizontally about three feet (one metre french) apart, and shall keep those lights up all the time the boat shall remain at anchor.

Art : 13.

Boats fishing with drift nets shall carry on one of their masts two lights, one over the other three feet (one metre french) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

Art : 14.

Subject to the exceptions or additions mentioned in the two preceding Articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

Art : 15.

Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with

pêchant avec des filets dérivants à une distance moindre que celle qui vient d'être indiquée.

Art : 16.

Il est défendu à tout bateau faisant la pêche avec des filets dérivants de jeter ses filets assez près d'un bateau déjà occupé à la même pêche, pour que les mouvements de celui-ci en soient gênés.

Art : 17.

Aucun bateau ponté faisant la pêche avec des filets dérivants ne devra jeter ses filets à une distance moindre qu'un quart de mille des bateaux non pontés déjà occupés à la pêche.

Art : 18.

Si le point où sont établis les bateaux est tellement rapproché des limites de pêche de l'un des deux Pays, que les bateaux de l'autre Pays, en observant les règles mentionnées ci-dessus aux Articles 15, 16 et 17; ne puissent prendre part à la pêche, ces derniers auront la faculté de jeter leurs filets à une distance moindre que celle qui leur est prescrite; mais, dans ce cas, les pêcheurs seront responsables des dommages qui seraient occasionnés par la dérive de leurs bateaux.

Art : 19.

Il est défendu de placer des filets fixes sur les fonds où la pêche aux filets dérivants est pratiquée.

Art : 20.

Nul ne pourra amarrer ni tenir son bateau sur les filets, bouées, flottes ou aucune partie de l'attirail de pêche appartenant à un autre bateau.

Il est défendu à toute personne de crocher ou de soulever les

drift nets than the distance abovementioned.

Art : 16.

No boat fishing with drift nets shall shoot its nets so near to any other boat which has already shot its nets in the fishing ground, as to interfere with its operations.

Art : 17.

No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

Art : 18.

If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boat of the other country would, by observing the regulations prescribed by Articles 15, 16 and 17 preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that so prescribed: but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

Art : 19.

Nets shall not be set or anchored in any place where drift net fishing is actually going on.

Art : 20

No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines, or other

filets, lignes, ou autres instruments de pêche appartenant à d'autres.

Art : 21.

Dans le cas où des filets de différents bateaux viendraient à se mêler, aucun patron ne pourra couper les filets d'un autre bateau que d'un commun accord, et qu'après[sic] qu'il aura été reconnu impossible de les séparer par d'autres moyens.

Art : 22.

Tout bateau de pêche, tout objet d'armement ou de gréement de bateau de pêche, tout filet, bouée, flotte ou instrument quelconque de pêche trouvé ou recueilli en mer, devra, aussitôt que possible, être remis au Commissaire de l'inscription maritime, si l'objet sauvé est amené en France, et au Receveur des droits de bris et naufrages, si l'objet sauvé est amené en Angleterre.

Le Commissaire de l'Inscription maritime ou le Receveur des Droits de bris et naufrages, suivant le cas, rendra les objets sauvés aux propriétaires ou à leurs représentants.

Ces administrateurs fixeront l'indemnité que les propriétaires devront payer aux sauveteurs.

Art : 23.

L'exécution des règles concernant les feux et signaux, le rôle d'équipage, le congé ou autres papiers de bord, la marque et le numérotage des bateaux et instruments de pêche, est placée, à l'égard des pêcheurs de chacune des deux nations, sous la surveillance exclusive des bâtiments [sic] croiseurs et des agents de leur propre nation.

Toutefois, les Commandants des bâtiments croiseurs de chacune des deux Nations se signaleront

fishing implements, belonging to another person.

Art : 21.

When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat, except by mutual consent and unless it be found impossible to clear them by other means.

Art : 22.

All fishing boats, all rigging gear, or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever found or picked up at sea, shall, as soon as possible, be delivered to the Receiver of Wreck if the article saved be taken into United Kingdom, and to the Commissary of Marine, if the article saved be taken into France.

The Receiver of Wreck or the Commissary of Marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

Art : 23.

The execution of the Regulations concerning lights and signals, licences, muster rolls, and official papers, the lettering and numbering of boats and implements of fishing, is placed, with respect to the fishermen of each of the two nations under the exclusive superintendence of the cruisers and Agents of their own nation.

Nevertheless, the commanders of the cruisers of one of the two Nations shall acquaint the com-

mutuellement les infractions aux dites règles commises par les pêcheurs de l'autre Nation et dont ils auront eu connaissance.

Art : 24.

Toutes infractions aux règles prescrites pour le placement des bateaux sur le lieu de la pêche, pour les distances à observer entre eux, pour l'interdiction de la pêche des huîtres pendant une période de l'année, enfin, pour tout ce qui concerne, en général, les opérations de pêche, et plus particulièrement les faits qui seraient de nature à occasionner des dommages, sont de la compétence des croiseurs des deux Nations, quelle que soit, d'ailleurs, la nation à laquelle appartiendront les pêcheurs qui commettraient ces infractions.

Art : 25.

Les commandants des bâtiments croiseurs des deux Pays apprécieront les causes de toute contravention parvenue à leur connaissance, ou de tout dommage, quelle qu'en soit la cause, commis par les bateaux de pêche français et britanniques dans les mers situées au-delà des limites de pêche qui ont été fixées pour les deux Pays ; ils arrêteront les bateaux et pourront les conduire dans le port le plus rapproché du lieu de l'événement, pour que la contravention ou le dommage y soit constaté, tant par les déclarations contradictoires des parties intéressées, que par le témoignage des personnes qui ont vu les faits.

Art : 26.

Lorsque les contraventions ne seront pas de nature à nécessiter une punition exemplaire, et

manders of the cruisers of the other nation with any infractions of the abovementioned regulations committed by the fishermen of such other nation which may come to their knowledge.

Art : 24.

All infractions of the Regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognizance of by the cruisers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

Art : 25.

The commanders of cruisers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as to damage arising from any cause whatever, committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries ; they may detain the offending boats and take them into the port nearest the scene of the occurrence in order that the infraction of damage may be there duly established, as well by comparing the declarations and counterdeclarations[sic] of the parties interested, as by the testimony of those who were present.

Art : 26.

When the offence shall not be such as to require exemplary punishment, but shall neverthe-

qu'elles auront néanmoins occasionné des dommages à quelque pêcheur, les commandants des bâtiments croiseurs pourront concilier, à la mer, s'il y a lieu, les parties intéressées. Sur le refus des délinquants d'obtempérer à leur arbitrage, les dits Commandants les conduiront, eux et leurs bateaux, dans le port le plus rapproché, pour qu'il y soit procédé, à leur égard, comme il est dit dans l'Article précédent.

Art : 27.

Tout bateau de pêche qui aura été conduit dans un port étranger, conformément aux deux articles qui précèdent, sera renvoyé dans son pays pour y être jugé, aussitôt que la transgression pour laquelle il aura été arrêté sera constatée. Ce bateau ni son équipage ne pourront, d'ailleurs, être retenus dans le port étranger plus de trois jours francs.

Art : 28.

Les rapports, procès-verbaux, et toutes autres pièces concernant la contravention, après avoir été visés par le Commissaire de l'Inscription maritime en France ou par le Directeur des douanes dans le Royaume-Uni, seront adressés par cet administrateur à l'agent consulaire de sa nation établi dans le port où le jugement devra avoir lieu.

Cet agent consulaire communiquera ces pièces, suivant les cas, au Commissaire de l'Inscription maritime ou au Directeur des douanes ; et si, après avoir conféré avec cet administrateur, il y a lieu pour lui d'agir dans l'intérêt de ses nationaux, il interviendra auprès du tribunal ou des magistrats compétents.

less have caused damage to any fisherman, the commanders of the cruizers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration, the said commanders shall take both them and their boats, into the nearest port, to be dealt with as stated in the preceding Article.

Art : 27.

Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding Articles, shall be sent back to her own country for trial as soon as the infraction for which she may have been detained, shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

Art : 28.

The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the Commissary of Marine in France or by the Collector of Customs in the United Kingdom, shall be transmitted by that functionary to the Consular Agent of his nation residing in the port where the trial is to take place.

Such Consular Agent shall communicate those documents to the Commissary of Marine or to the Collector of Customs as the case may be ; and if, after having conferred with that functionary, it shall be for the interest of his countrymen, he shall proceed with the affair before the competent Tribunal or magistrates of the Country.

Art : 29.

Dans les deux Pays, le tribunal ou les magistrats compétents seront autorisés à condamner à une amende de dix francs (huit shillings), au moins, ou à un emprisonnement de deux jours au moins, ceux qui contreviendront aux dispositions de la Convention, en ce qui concerne :

- 1°. La période de clôture de la pêche des huîtres, et la présence illicite de dragues à bord pendant cette période ;
- 2°. Les lettres, les numéros et les noms à placer sur les bateaux, les voiles, les filets et les bouées ;
- 3°. Les rôles d'équipage ou les congés ;
- 4°. Les pavillons et les feux que les bateaux sont tenus d'arborer ;
- 5°. Les distances que les bateaux doivent observer entre eux ;
- 6°. Le placement et le mouillage des bâtiments ou embarcations ;
- 7°. Le placement ou le jet des filets et le retrait des filets ;
- 8°. Le dégagement des filets ;
- 9°. Les bouées à placer sur les filets.

En cas de récidive, l'amende ou l'emprisonnement pourra être doublé.

Art : 30.

Toutes les fois que des pêcheurs de l'un des deux Pays se seront livrés en mer à des voies de fait contre les pêcheurs de l'autre Pays, ou leur auront occasionné des dommages ou des pertes, les tribunaux du Pays auquel appartiendront les délinquants pourront condamner ceux-ci à une amende de dix francs (huit shillings) au moins, ou à un emprisonnement de deux jours au moins. Ils pourront, en outre, condamner les délinquants à des

Art : 29.

In both countries, the competent Court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs) or to imprisonment for at least two days, persons who may infringe the Regulations of the Convention, concerning :

1. The close season for oysters, and illegal possession of dredges on board during that season.
2. The letters, numbers, and names to be placed on the boats, sails, nets, and buoys ;
3. The licences or muster rolls ;
4. The flags and lights to be carried by the boats ;
5. The distances to be observed by the boats between each other ;
6. The placing and anchoring of vessels and boats ;
7. The placing and shooting of nets and the taking them up ;
8. The clearing of nets ;
9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

Art : 30.

In all cases of assault committed, or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other Country, the Courts of the Country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days. They may, moreover condemn the offenders to pay adequate compensation for the injury.

dommages intérêts proportionnés au préjudice causé.

Art : 31.

Les bateaux de pêche de l'un des deux Pays seront admis à vendre leur poisson dans les ports de l'autre Pays désignés à cet effet, à la condition que ces bateaux se conformeront aux règles déterminées dans la Déclaration ci-annexée à laquelle est jointe la Liste des ports; toutefois, dans l'un ou l'autre Pays, de nouveaux ports pourront être désignés pour la vente du poisson.

Art : 32.

Les bateaux de pêche de l'un des deux Pays ne pourront franchir les limites de pêche qui ont été fixées pour l'autre Pays, excepté dans les circonstances suivantes :

1°. Quand ils y seront forcés pour cause de mauvais temps ou en raison d'avaries manifestes ;

2°. Quand ils seront portés endedans des limites par les vents contraires, par de forts courants, ou par toute autre cause indépendante de la volonté du patron et de l'équipage ;

3°. Quand ils seront obligés de louvoyer à cause du vent contraire ou de la marée, pour arriver au lieu où ils vont exécuter leur pêche, et quand, par suite de la même cause de vent ou de marée contraires, ils ne pourraient, en restant au large, continuer leur route pour se rendre au dit lieu de pêche ;

4°. Quand, pendant la saison de la pêche du hareng, les bateaux harenguiers de l'un des deux Pays auront besoin de mouiller à l'abri des côtes de l'autre Pays, en attendant qu'ils puissent continuer la pêche ;

Art : 31.

Fishing boats of either of the two Countries shall be admitted to sell their fish in such ports of the other Country as may be designated for that purpose, on condition that they conform to the Regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present Convention; but without prejudice to the opening by either Country of any additional ports.

Art : 32.

The fishing-boats of the one country shall not enter within the fishery limits fixed for the other Country, except under the following circumstances :

1. When driven by stress of weather or by evident damage.

2. When carried in by contrary winds, by strong[sic] tides, or by any other cause beyond the control of the master and crew.

3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.

4. When during the herring fishing season the herring-boats of the one country shall find it necessary to anchor under shelter of the coasts of the other Country, in order to await the opportunity for proceeding to their fishing ground.

5°. Quand ils feront route pour l'un des ports de l'autre Pays ouverts à la vente du poisson, ainsi qu'il est dit à l'article précédent. Dans ce cas, ils ne devront jamais avoir de dragues à huîtres à bord.

Art : 33.

Lorsque les bateaux de pêche, profitant de la faculté accordée par l'article 31, auront des huîtres à bord, ils ne devront être porteurs ni de dragues ni d'aucun engin à l'aide duquel on peut pêcher des huîtres.

Art : 34.

Les Commandants des bâtiments croiseurs pourront autoriser les bateaux de leur Pays à franchir les limites de pêche de l'autre Pays, lorsque le temps s'annoncera de manière à rendre la relâche nécessaire.

Art : 35.

Toutes les fois qu'en raison de quelqu'une des circonstances exceptionnelles indiquées dans les trois articles précédents, les bateaux de pêche de l'un ou de l'autre Pays se trouveront dans les ports ou en dedans des limites de pêche qui ont été fixées pour l'autre Pays, les patrons de ces bateaux arboreront immédiatement un pavillon bleu de soixante centimètres (deux pieds anglais) de hauteur, sur un mètre (trois pieds anglais) de longueur, et conserveront ce pavillon en tête de mât aussi longtemps qu'ils resteront dans les ports ou en-dedans[*sic*] des dites limites.

Ce pavillon devra être amené dès que les bateaux seront en dehors de ces limites.

Ces bateaux devront sortir des limites dès que les circonstances exceptionnelles qui auront motivé leur entrée, le leur permettront.

5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding Article; but in such case, they shall never have oyster dredges on board.

Art : 33.

When fishing-boats, availing themselves of the privilege specified in Article 31, shall have oysters on board, they shall not carry any dredges or other implements for taking oysters.

Art : 34.

The commanders of cruisers may authorize boats belonging to their own country to cross the exclusive fishery limits of the other Country, whenever the weather is so threatening as to compel them to seek shelter.

Art : 35.

Whenever, owing to any of the exceptional circumstances specified in the three preceding Articles, the fishing-boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (sixty centimetres french) high, and three feet (one metre french) long, and shall keep that flag flying at the masthead so long as they remain in such ports or within such limits.

The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

Art : 36.

Les Commandants des bâtiments croiseurs de chacun des deux Pays, ainsi que tous Officiers ou autres agents préposés à la police des pêches, apprécieront les causes de toutes infractions aux règles établies pour les limites de pêche ; et, lorsqu'ils seront convaincus du fait de ces infractions, ils arrêteront ou feront arrêter les bateaux des délinquants, et les conduiront ou les feront conduire dans un port, où, sur des preuves évidentes de transgression, les dits bateaux pourront être condamnés par le tribunal ou les magistrats compétents au paiement d'une amende qui ne dépassera pas deux cent cinquante francs (dix livres sterling). A défaut de paiement de l'amende, ces bateaux pourront être retenus pendant un laps de temps qui n'excédera pas trois mois.

En cas de récidive, l'amende pourra être doublée.

Art : 37.

La procédure et le jugement des contraventions aux dispositions de la présente Convention auront toujours lieu par urgence et aussi sommairement que les lois en vigueur le permettront.

Art : 38.

Les termes "Iles Britanniques" et "Royaume-Uni," employés dans cette Convention, comprennent les îles de Jersey, Guernsey, Alderney, Sark, l'île de Man, et leurs dépendances.

Art : 39.

Sa Majesté Britannique S'engage à proposer au Parlement d'adopter un Acte Lui donnant les pouvoirs nécessaires pour mettre à exécution celles des

Art : 36.

The commanders of the cruizers of each of the two countries, and all officers or other agents appointed to superintend fisheries shall exercise their judgment as to infractions of the regulations with regard to the fishery limits ; and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned, by the competent Court or magistrate to a fine not exceeding ten pounds (two hundred and fifty francs). In default of payment, such boats may be detained for a period not exceeding three months.

In case of repetition of the offence, the fine may be doubled.

Art : 37.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as speedily and as summarily as the laws in force will permit.

Art : 38.

The terms "British Islands" and "United Kingdom," employed in this Convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

Art : 39.

Her Britannic Majesty engages to recommend to Parliament to pass an Act to enable Her to Carry into execution such of the arrangements contained in the

clauses contenues dans la présente Convention qui ont besoin de l'approbation législative.

Après que cet Acte aura été adopté par le Parlement, la Convention entrera en vigueur à partir du jour qui sera fixé par les deux Hautes Parties Contractantes. Il sera, dans chacun des deux Pays, donné officiellement avis, par le Gouvernement, du jour qui aura été arrêté.

Art : 40.

La présente Convention restera en vigueur pendant dix années à partir du jour de la mise en vigueur, et, dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, douze mois avant l'expiration de la dite période de dix années, Son intention d'en faire cesser les effets, elle continuera à rester en vigueur une année, et ainsi de suite d'année en année jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

Les Hautes Parties Contractantes Se réservent cependant la faculté d'apporter à la Convention, d'un commun accord, toute modification dont l'expérience aurait démontré l'utilité, et qui ne serait pas incompatible avec l'esprit et les principes qui en sont la base.

Art : 41.

La Convention conclue entre les deux Hautes Parties Contractantes, le 2 Août 1839, et le Règlement du 23 juin 1843, resteront en vigueur jusqu'au jour où, ainsi qu'il est dit à l'Article 39, le présent Arrangement deviendra exécutoire ; ils cesseront à ce moment d'être appliqués.

present Convention as require legislative sanction.

When such an Act shall have been passed, the Convention shall come into operation from and after a day to be then fixed upon by the two High Contracting Parties. One notice shall be given in each Country, by the Government of that Country, of the day which may be so fixed upon.

Art : 40

The Convention shall continue in force for ten years from the day on which it may come into operation ; and if neither party shall, twelve months before the expiration of the said period of ten years, give notice of its intention to terminate its operation, the Convention shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The High Contracting Parties, however, reserve to themselves the power to make, by mutual consent, any modification in the Convention which experience shall have shown to be desirable provided it is not inconsistent with the principles on which it is based.

Art : 41.

The Convention concluded between the High Contracting Parties on the 2nd of August 1839, and the Regulations of the 23rd of June 1843, shall continue in force until the day when, as provided in Article 39, the present Convention shall come into operation and shall then altogether cease and determine.

Art : 42.

La présente Convention sera ratifiée, et les Ratifications en seront échangées, aussitôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Paris, le 11 Novembre de l'an de Grâce 1867./.

(L.S.) signé: MOUSTIER.

(L.S.) ———LYONS.

Art : 42.

The present Convention shall be ratified, and the Ratifications shall be exchanged, as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November, in the year of our Lord 1867./.

Article additionnel

Il est entendu que l'article 31 de la Convention, signée en date de ce jour, ne recevra son exécution qu'après un accord ultérieur des deux Hautes Parties Contractantes. Il sera donné connaissance du jour qui pourra être fixé pour son exécution.

Le présent Article additionnel aura la même force que s'il était inséré, mot pour mot, dans la Convention signée en date de ce jour. Il sera ratifié, et les Ratifications seront échangées en même temps que celles de la Convention.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs armes.

Fait à Paris, le 11 novembre de l'an de grâce 1867.

(L.S.) signé: MOUSTIER.

(L.S.) ———LYONS.

Additional Article

It is agreed that Article 31 of the Convention signed this day shall not come into operation until the two Contracting Parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention, signed this day. It shall be ratified and the Ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867./.

Déclaration

annexée à la Convention
du 11 Novembre
1867.

Les pêcheurs de chacun des deux Pays ne pourront débarquer leur poisson dans l'autre Pays que sur les points où existe un bureau de douane et pendant les heures réglementaires.

Dès leur arrivée et, dans tous les cas, avant de commencer leur déchargement, ils seront tenus de présenter leur rôle ou congé à l'agent des Douanes, et de déclarer au bureau la quantité approximative de poisson qu'ils ont à bord.

Lorsque le patron ne saura pas écrire, l'Agent des Douanes libellera lui-même la déclaration sur laquelle le patron apposera sa croix.

Les employés des douanes auront la faculté d'effectuer à bord des bateaux les visites prescrites par les Règlements de douane.

Pendant leur séjour dans les ports de l'autre Pays, les pêcheurs de l'un des deux Pays devront, s'ils en sont requis par la Douane, déposer à l'Entrepôt ou au bureau, jusqu'à leur départ, les provisions de bord sujettes à des droits d'entrée, et qui ne seraient pas nécessaires à la consommation journalière. Ce dépôt aura lieu sans frais.

La nomenclature des bureaux de douane ouverts dans chacun des deux Pays aux pêcheurs de l'autre Pays est contenue dans les Tableaux ci-annexés.

Dans le cas où quelque Bureau serait supprimé, avis en serait donné au Gouvernement de l'autre Pays.

Declaration

annexed to the Convention
of November 11,
1867.

The fishermen of each country shall not be allowed to land or discharge their fish in the other country except at places where there is a Custom-House, and during office hours.

Immediately upon their arrival, and, in all cases, before they commence the discharge of their cargo, they shall present their muster-roll, or licence, or official paper, to the proper Office[r] of Customs, and shall pass an entry at the Custom-house, stating as nearly as possible the quantity of fish which they have on board.

If the master of a fishing boat cannot write, the officer of Customs shall fill up for him the form required, and the master shall affix his mark thereto.

The Custom-house Officers shall have power to board and search the fishing-boats of the other Country in the manner directed by the Customs-laws.

During their stay in the ports of the other country, the fishermen of either Country shall, if required to do so by the Customs Authorities, deposit in a warehouse or in the Custom-house, until their departure, all stores subject to duty which shall not be necessary for their daily consumption. No charge shall be made for such Warehousing.

The ports enumerated in the subjoined list, where there is a Custom-house establishment, are those that shall be open in each Country to the fishermen of the other Country.

In case the Customs establishment at any of those ports should be abolished, notice thereof shall be given to the Government of the other Country.

Liste des ports de l'Empire Français ouverts à l'importation du Poisson par bateaux pêcheurs Anglais.
 List of the Ports of the French Empire open for the importation of Fish by British Fishing-boats.

Directions		Directions		Directions	
Dunkerque	{ Gravelines Dunkerque		Quimperlé Douélan Pontaven Concarneau	Nantes (Suite)	Nantes Chantenay La Basse-Indre Port Nichet
	{ Hourdel St Valéry sur-Somme		Quimper Pont-l'Abbé		Pouliguen Le Croisic La Turballe
Boulogne	{ Abbeville Berck (plage maritime)	Brest	Audierne Douarnenez		Le Rosais La Tremblade
	{ Etaples Boulogne Calais		Morgat Camaret Port Launay		Mornac L'Eguille Le Gua
	{ Harfleur Le Hâvre Fécamp		Le Faon Landerneau Brest		Nieulle (port sur canal) Lusac (idem) Marennes (idem)
Le Hâvre	{ St Valéry-en-Caux Dieppe Tréport Eu		Le Conquet Labrevrach Roscoff Morlaix. Redon		Le Chapus Le Chateau (Ile d'Oléron)
	{ Rouen Croisset Duclair Caudebec		La Roche Bernard Tréguier Billiers Pénerf Ambon	La Rochelle	St Pierre (idem) St Georges (idem) St Denis (idem) Brouage (port sur canal)
	{ Isigny Port-en-Bessin Courseulles	Vannes	Vannes Belle Croix Sarzeau Suscinio		Moëze Charente Rochefort Fouran
Caen	{ Caen Ouistreham Trouville Honfleur Pont-Audemer		Saint Armel Noyal Quatre-Vents		Ile d'Aix (Ile) La Rochelle Lauzières

<i>Directions</i>		<i>Directions</i>		<i>Directions</i>	
Saint-Lô	Granville Regneville Port-Bail (<i>Hâvre</i>) Dielette Carentan Cherbourg Barfleur Saint Vaast Omonville Lannion Perros Tréguier Lezardrieux Pontrieux Paimpol Portrieux Binic Le Légué Dahonet Erquy Le Guildo Plouer Dinan Saint Suliac Saint Servan Saint Malo La Houle Le Vivier	Vannes	Ile d'Ars (<i>île du Morbihan</i>) Port Novalo Larnorbadon Locmariaquer Auray Rochdu La Trinité Carnac Porthaliguen Palais (<i>île</i>) Etel Port Louis Hennebon Lorient Kernevel Groix (<i>île</i>) Noirmoutiers St Gilles Île d'Yeu Le Barre de Mont (<i>port sur canal</i>)	La Rochelle	Marans La Flotte (<i>île de Ré</i>) St Martin (<i>idem</i>) Loix (<i>idem</i>) Ars (<i>idem</i>) Luçon (<i>port sur canal</i>) L'Aiguillon Les Sables St Martin de Brem.
Saint Brieuc		Nantes	Beauvoir (<i>idem</i>) Boin (<i>idem</i>) Bourgneu Pornic Paimbœuf Saint Nazaire	Bordezux	La Teste Gujan Certes Le Verdon La Fosse (<i>port sur canal</i>) Pauillac Bordeaux Libourne Plaigne Bourg Blaye Montagne Les Meschers Royan
				Bayonne	St Jean de Luz Bayonne

Liste des ports du Royaume Uni ouverts à l'importation du Poisson par bateaux pêcheurs Français.

List of the Ports in the United Kingdom open for the Importation of Fish by French Fishing-boats.

En Angleterre.		In England.		
Bristol	Harwich	Newhaven C	Southampton C	
Cardiff	Hull	Newport	Sunderland	
Dover C	Liverpool	Portsmouth C	Swansea	
Folkestone C	London	Plymouth C	Weymouth C	
Falmouth C	Lowestoft	Ramsgate	Whitby	
Grimsby	Middlesborough	Shields	Yarmouth	
Hartlepool	Newcastle	Shoreham C		
En Ecosse. In Scotland.		En Irlande. In Ireland.		Iles de la Manche .
Aberdeen	Leith	Belfast	Galway	In the Channel Islands
Glasgow	Wick	Cork	Waterford	Jersey C
Greenock		Dublin		Guernsey C

Les ports de la Manche sont marqués C. The ports in the Channel are marked with a C.

En foi de quoi, les Plénipotentiaires respectifs ont signé ces Annexes à la Convention conclue en date de ce jour, et les ont revêtues du cachet de leurs armes.

A Paris, le 11 Novembre 1867./.

In witness whereof, the respective Plenipotentiaries have signed these Annexes to the Convention concluded this day, and have affixed thereto the seals of their arms.

At Paris, the 11th November 1867./.

(L.S.) signé : MOUSTIER.

(L.S.) ——— LYONS.

Nous, ayant vu et examiné ladite Convention et l'Article additionnel y annexé, les avons approuvés et approuvons en chacune des dispositions qui y sont contenues ; **Déclarons** qu'ils sont acceptés, ratifiés et confirmés, et **Promettons** qu'ils seront inviolablement observés. **En foi de quoi**, Nous avons donné les présentes signées de notre main et scellées de notre sceau Impérial,

A Paris, le 18 Décembre de l'an de grâce 1867./.

NAPOLÉON

Par l'Empereur :
MOUSTIER

ANNEX A 29

Submarine Telegraph Convention of the 2nd January, 1859, and the subsequent French Decree Approving it, of the 12th January, 1859

[E. Hertslet, *A Complete Collection of the Treaties and Conventions* (&c.), 1871, xii. 449-53¹]

DECRET, *Impérial Français*[sic], qui, approuve la Convention passée, le 2 Janvier, 1859, pour l'exécution et l'exploitation d'une ligne Télégraphique et Sous-marine entre la France et l'Angleterre.—Paris, le 12 Janvier, 1859.

NAPOLEON, par la grâce de Dieu et la volonté nationale, Empereur des Français à tous présents et à venir, salut :

Sur le rapport de notre Ministre Secrétaire d'Etat au Département de l'Intérieur ;

Vu la convention passée, le 23 Octobre, 1851, entre l'administrateur en chef des lignes télégraphiques et l'Honorable William Francis Spencer Ponsonby Lord de Mauley, l'Honorable Frederick William Cadogan, Sir James Robert Carmichael, Baronet, John Watkins Brett, Esquire, approuvée par le Ministre de l'Intérieur ;

Vu le décret du 24 Octobre, 1851 ;

Notre Conseil d'Etat entendu ;

Avons décrété et décrétons ce qui suit :

ART. 1. Est approuvée la Convention ci-annexée, intervenue le 2 de ce mois, entre le Ministre de l'Intérieur, au nom de l'Etat, et Sir James Robert Carmichael, et M. John Watkins Brett, pour l'exécution et l'exploitation de lignes télégraphiques sous-marines entre la France et l'Angleterre.

II. Notre Ministre Secrétaire d'Etat au Département de l'Intérieur [sic] est chargé de l'exécution du présent décret.

Fait au Palais des Tuileries, le 12 Janvier, 1859.

Par l'Empereur :

NAPOLEON.

Le Ministre Secrétaire d'Etat au Département de l'Intérieur, DELANGLE.

(ANNEXE.) CONVENTION entre le Ministre de l'Intérieur, agissant au nom de l'Etat, d'une part, et Sir James Robert Carmichael, Baronet, et M. John Watkins Brett, agissant au nom et pour le compte de la Compagnie du Télégraphe sous-marin entre la France et l'Angleterre, en vertu d'une autorisation donnée le 7 Avril, 1858, par le Conseil d'administration de ladite Compagnie, et faisant élection de domicile à Paris, rue de Richelieu, No. 83, d'autre part ; il a été convenu et arrêté ce qui suit :

ART. 1. La Compagnie Concessionnaire de la ligne télégraphique sous-marine entre la France et l'Angleterre, représentée par Sir James

¹ The subjoined text has been collated with that in *Le Moniteur*, 31 janvier, 1859. Except for minor differences in spelling and arrangement, the two versions are the same. Article II (2), which is relevant to the issue, is identical except for a rare difference in the use of capitals.

Carmichael et M. J. W. Brett, est autorisée et s'oblige à établir, dans un délai de 6 mois à partir de ce jour, une ligne sous-marine à 6 fils entre Boulogne et Folkestone.

Cette nouvelle ligne fonctionnera concurremment avec la ligne actuelle.

La présente autorisation est accordée pour un laps de temps de 30 années, à dater du jour de l'homologation de la présente Convention, tant pour la ligne déjà existante entre Calais et Douvres que pour celle de Boulogne à Folkestone.

II. Pendant la durée de cette concession, la Compagnie s'oblige à établir, sur la demande du Gouvernement Français, et dans le délai d'une année, à partir du jour de la notification ministérielle :

1. Une ligne dont le nombre de fils sera fixé par le Gouvernement Français, partant du Havre et se dirigeant sur un point quelconque de la côte d'Angleterre à déterminer ultérieurement ;

2. Une ligne dont le nombre de fils sera également fixé par le Gouvernement Français, entre les îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et la côte de France.

Le Gouvernement Français se réserve le droit de déterminer le point de la côte de France où devra aboutir cette dernière ligne. Ce point devra se trouver entre Saint-Malo et Cherbourg.

La Compagnie seule aura le droit de relier la France auxdites îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et autres îles et îlots en dépendant, et s'engage à faire passer par ces nouvelles lignes toutes les dépêches Françaises qui lui seront remises.

Le nombre de zones qui devra servir de base à l'établissement de la taxe, des côtes de France aux îles Anglaises de Jersey, Alderney, Sark, et Guernesey, et aux îles ou îlots en dépendant, est fixé comme suit pour chaque dépêche simple de quinze mots :

1. A deux zones, pour transmission de la correspondance locale entre la côte de France et ces îles et réciproquement.

2. A 3 zones, pour transmission de la correspondance à destination du Royaume-Uni de la Grande-Bretagne et d'Irlande et transitant par ces îles et réciproquement.

Il est bien entendu que, dans aucun cas, la taxe pour la transmission d'une dépêche simple de la côte de la France par cette ligne et à destination d'un bureau télégraphique quelconque du Royaume-Uni de la Grande-Bretagne et d'Irlande, ne pourra être supérieure à celle par la voie de Calais à Douvres.

III. Le Gouvernement Français se réserve le droit :

1. D'autoriser, comme il avisera, l'établissement d'une ligne télégraphique partant d'un point quelconque des côtes de France, et aboutissant directement aux côtes d'Irlande, et destinée exclusivement à la transmission de ou pour l'Amérique par le câble transatlantique.

2. D'autoriser également l'établissement d'une ligne télégraphique partant d'un point quelconque des côtes de France, et aboutissant aux côtes d'Angleterre et aux îles de la Manche, en dehors des points d'atterrissement ci-dessus désignés.

Toutefois, la Compagnie Concessionnaire du Télégraphe Sous-Marin entre la France et l'Angleterre aura un droit de préférence, dans le cas où elle désirerait construire et exploiter elle-même cette nouvelle ligne à conditions égales.

Pour user de son droit de préférence, la Compagnie Concessionnaire devra faire connaître sa décision dans le délai d'un mois, à partir de la mise en demeure du Gouvernement Français.

IV. La correspondance télégraphique par les lignes de la Compagnie pourra toujours être suspendue par le Gouvernement Français, et ces suspensions ne pourront donner lieu à aucune indemnité. Les transmissions seront toujours soumises aux règles prescrites par l'Article III de la Loi du 29 Décembre, 1850, sur la correspondance télégraphique privée.

V. La ligne que la Compagnie établira entre Boulogne et Folkestone, ainsi que celles qu'elle pourra être autorisée à établir, devront aboutir dans un local occupé par une direction télégraphique de l'Etat, comme celle de Douvres à Calais.

Dans les villes où aboutira une ligne de la Compagnie, les appareils seront exclusivement manœuvrés par des employés de l'Etat nommés par l'administration Française et payés par la Compagnie.

Leur traitement sera celui de leur grade.

Le service de nuit restera de même entièrement à la charge de la Compagnie.

VI. Le nombre des agents employés pour le compte de la Compagnie dans les bureaux Français, sera fixé par l'administration des lignes télégraphiques.

VII. Aux termes de l'Article VI de la Loi du 29 Novembre, 1850, l'administration télégraphique Française ne peut, dans aucun cas, encourir de responsabilité, à raison du service de sa correspondance privée.

VIII. Les dépêches du Gouvernement Français, ou de ses agents à l'étranger, seront transmises gratuitement par toutes les lignes de la Compagnie et par priorité sur les dépêches privées.

La transmission et la remise aux destinataires des autres dépêches devront se faire dans l'ordre de leur dépôt ou de leur réception dans les bureaux télégraphiques, sans acception de personne ou de nationalité.

IX. Le nombre de zones qui devra servir de base à l'établissement de la taxe est fixé, quant à présent, pour toutes les lignes construites ou à construire par la Compagnie Concessionnaire, à 5 zones de 1 franc 50 centimes l'une, ou 7 francs 50 centimes pour une dépêche simple de 15 mots, des côtes de France à un bureau télégraphique quelconque du Royaume-Uni de la Grande-Bretagne et d'Irlande.

Il est néanmoins formellement convenu que, dans aucun cas, une dépêche transmise par la Compagnie des côtes de France en Angleterre ne pourra être assujettie à une taxe supérieure à celle d'une dépêche d'égale longueur transmise dans le Royaume-Uni par les lignes de Belgique et de Hanovre, et par toutes celles qui pourraient appartenir dans la suite à la Compagnie.

X. La Compagnie s'engage à suivre, pour les correspondances échangées sur les lignes, tous les Traités conclus ou à conclure entre la France et les Etats limitrophes, notamment en ce qui concerne le prix de la zone et la longueur des dépêches, la gradation des taxes, la manière de compter les mots, l'ordre de la transmission et le règlement des comptes.

XI. Si la communication du point d'attache sur les côtes de France des lignes de la Compagnie avec les directions de l'Etat se faisait au moyen de lignes sur poteaux, l'administration des lignes télégraphiques aurait le droit de placer deux ou plusieurs fils sur ces poteaux, et le tout sans indemnité.

Dans tous les cas, il est entendu que les communications entre les différents points d'attache de la Compagnie, situés sur la côte de France, ne pourront avoir lieu que par les lignes de l'Etat et l'intermédiaire des fonctionnaires Français.

XII. La Compagnie est autorisée à prendre tels agents qu'elle voudra pour la représenter dans les villes où aboutira un cable [sic] électrique. Si un dérangement est signalé, les agents de la Compagnie pourront demander aux directeurs des stations de l'Etat que des expériences soient faites en leur présence pour constater l'état des lignes de la Compagnie.

XIII. Les sommes dues à l'Etat par la Compagnie pour les dépenses mises à sa charge, en vertu de l'Article V de la présente Convention, seront versées annuellement à la caisse du receveur central du Département de la Seine.

XIV. A moins de cas de force majeure dûment constaté, la Compagnie serait déchue de plein droit si elle ne remplissait pas toutes les clauses de la présente Convention.

Il est bien entendu que, dans ce cas de déchéance, et jusqu'au 1er juillet, 1862, la concession actuelle de Douvres à Calais continuerait à être régie conformément à la Convention intervenue entre le Gouvernement Français et la Compagnie, le 23 Octobre, 1851.

XV. La présente Convention sera mise en vigueur à dater du jour de son homologation, et à partir de la même date la Convention intervenue le 23 Octobre, 1851, entre l'administra[tion] des lignes télégraphiques et MM. de Mauley, Frederick Cadogan, J. R. Carmichael et J. W. Brett, sera abrogée ainsi que le Décret du 24 Octobre, 1851, sauf le cas prévu à l'Article précédent.

XVI. Les contestations qui s'élèveraient entre la Compagnie Concessionnaire et l'administration au sujet de l'exécution ou de l'interprétation des clauses de la présente Convention, seront jugées administrativement par le Conseil de préfecture du Département de la Seine, sauf recours au Conseil d'Etat.

XVII. La présente Convention devra être approuvée par un Décret de Sa Majesté l'Empereur.

Fait à Paris, le 2 Janvier, 1859.

Le Ministre de l'Intérieur, DELANGLE.

J. R. CARMICHAEL.
J. W. BRETT.

ANNEX A 30

Warrant, 9th October, 1875, constituting the Island of Jersey a Port of the Channel Islands

[The Library, H.M. Customs and Excise, London :
145/1876/Treasury Reference Branch]

PORT OF JERSEY
Channel Islands

WE the undersigned Lords Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland do hereby under the authority of "The Customs Consolidation Act 1853" appoint the Island of Jersey to be a Port of the Channel Islands and we do hereby declare that the limits of the said Port shall include the whole of the said Island together with the rocks called the Ecrehou Rocks and shall extend seaward to a distance of three miles from low water mark of the coast of the said Island and three miles from low water mark of the said Ecrehou Rocks and shall include all Islands together with all Bays Harbours Rivers and Creeks within the aforesaid limits

Whitehall, Treasury Chambers. Dated this ninth
day of October 1875

ROWD WINN
J D H ELPHINSTONE

ANNEX A 31

Dispatch from the French Ambassador, 27th February, 1876, to the Foreign Office, alleging that the Treasury Warrant of the 9th October, 1875, constituting Jersey a Channel Port, wrongly included the Ecréhous Islets within its Limits

[Foreign Office Papers, 27/3651]

Londres—le 27 Février 1876.

Duplicata—

Monsieur le Comte,

J'ai l'honneur, conformément aux instructions que j'ai reçues de mon Gouvernement, d'appeler toute l'attention de Votre Excellence sur une erreur qui s'est glissée dans le texte d'un Ordre¹ des Lords Commissaires de la Trésorerie portant la date du 4 octobre dernier et ayant pour objet de faire reconnaître l'Île de Jersey comme port de la Manche et d'en fixer les limites. Il y est dit que—*les limites du dit port comprendront les rochers appelés les Ecrehous, s'étendront a[sic] 3 milles de la ligne de la basse mer des dits rochers Ecrehous et comprendront toutes les îles, baies, havres[sic], rivières et criques en dedans des limites*²—

¹ See Annex A 30.

² The words in italics are underlined in the original MS.

Or l'article ci-dessus impliquerait d'abord une dérogation formelle aux dispositions de la Convention¹ des pêcheries, du 2 Août 1839, qui fixe a[sic] 3 milles autour de l'île de Jersey la limite de la mer territoriale Anglaise, puisque les rochers Ecrehous sont tous sans exception à plus de 3 milles de l'île de Jersey. les[sic] rochers, comme le sait Votre Excellence n'ont été séparés de la côte de France par l'invasion de la mer qu'en 1203, et le fond de ce côté n'est pas à plus de 30 pieds de profondeur tandis que dans le Chenal qui les sépare de Jersey, la sonde atteint jusqu'à 124 pieds. Puis, si nous revenons à la convention précitée, et envisageons la question au point de vue de droit international, nous apercevons que la première conséquence de cette mesure serait, en vertu de la délimitation des trois zones, française, neutre et anglaise indiquées sur les cartes marines, de déplacer complètement les limites de la mer territoriale Anglaise qui, si elle commençait aux rochers Ecrehous, arriverait pour ainsi dire sur la côte de France.

Je crois inutile d'insister davantage, mais je dois faire connaître à Votre Excellence tout le prix qu'attacherait mon Gouvernement à obtenir l'assurance que la question dont il s'agit n'a été soulevée accidentellement que par une erreur dont il serait extrêmement heureux d'obtenir la rectification aussitôt que faire se pourrait.

Veuillez agréer les assurances de la haute considération avec laquelle j'ai l'honneur d'être

Monsieur de Comte
de Votre Excellence
le très humble et très
obéissant serviteur.

L D'HARCOURT

Son Excellence

Monsieur le Comte de Derby.

& & &

ANNEX A 32

Dispatch from the Foreign Office to the French Ambassador, 6th July, 1876, in answer to the French Protest, 27th February, 1876, against the Terms of the Treasury Warrant of the 9th October, 1875

Dit

[Foreign Office Papers, 27/3651]

F[oreign]. O[ffice]. July 6 1876.

Marquis
d'Harcourt
D.

M. l'Ambassadeur,

Since I had the honour to address Y[our]. E[xcellency]. on the 18th of May² last on the subject of the representation which you had made on behalf of the French Gov^t in regard to an Order³ of the Board of Treasury which the French Gov^t considered improperly includes the

¹ See Annex A 27.

² This dispatch acknowledged that of the French Ambassador and informed him that the subject was being put before the Lords Commissioners of Her Majesty's Treasury (Foreign Office Papers, 27/3651).

³ See Annex A 30.

Ecrehou¹ Rocks as a dependency of Jersey, I have received from that Department a Report² which they had called for from the Board of Customs, which Department has obtained from the principal Officer of Customs at Jersey a further report³ accompanied by an opinion⁴ from the Attorney General of the Island containing a very full statement⁵ of the circumstances connected with the past and present History of the Ecrehou Rocks—

I inclose for Y[our]. E[xcellency].’s information, and for that of Your Gov^t, a summary of the Reports above referred to, and I do not doubt that the French Gov^t will not only readily acknowledge the desire shown by the Board of Treasury to obtain the fullest information on the question at issue, but that they will⁶ as readily admit that the facts quoted by the Attorney General constitute undeniable evidence that the Ecrehou Rocks are British property as an undoubted dependency of the Island of Jersey.

D[ERBY]

ANNEX A 33

Memorandum upon the Sovereignty of the Ecréhous Islets, enclosed with the Foreign Office Reply, 6th July, 1876, to the French Ambassador

[*Foreign Office Papers, 27/3651*]

The Lords Commissioners of H[er] M[ajesty]’s Treasury having referred to the Commissioners of H[er] M[ajesty]’s Customs the question raised by the Marquis d’Harcourt in regard to a supposed error in the Text of a Treasury Order⁷ of the 2^d of October last which includes the Ecrehou Rocks among the dependencies of the Island of Jersey, the Commissioners have called for a Report⁸ upon this subject from the Principal Officer of Customs at Jersey, who in sending in his Report has accompanied it with an opinion⁹ obtained from the Attorney General of the Island, which, with the facts stated by him, prove conclusively, as the Officer of Customs considers, that the rocks in question are bonâ fide British Property, and show that the Authorities of Jersey have exercised Jurisdiction over the Inhabitants for some Centuries past—

Memorandum
respecting the
nationality of
the Ecrehou
Rocks.

The report of the Customs’ Officer is accompanied by a tracing of the Fishery limits with their several bearings as described in the Schedule of the Act 6 & 7. Vic : cap : 79 consequent upon the Convention¹⁰ concluded at Paris on the 2^d of August 1839, & which demon-

¹ See Annex A 31.

² See Annex A 34.

³ See Annex A 35.

⁴ See Annex A 36.

⁵ “report” deleted, “statement” interlined, in the original MS.

⁶ The following word, “admit”, has been deleted in the original MS.

⁷ See Annex A 30.

⁸ See Annex A 35.

⁹ See Annex A 36.

¹⁰ See Annexes A 27 and B 7.

strates that the 3 mile limit on the East side of the Ecrehous does not reach the French Fishery limit by nearly 2 miles, and that consequently the statement contained in the French Ambassador's representation that the recent Treasury Warrant would displace the English Territorial limits and alter the disposition of the Fishery Convention Act cannot be maintained.

The Attorney General for Jersey points out that according to l'Abbé le Cann¹ *Histoire des Evêques de Coutances* (p. 70) Ecrechous[sic] was separated from the Mainland Anno Domini 860, and consequently had become an Island long before the cession of Normandy and its dependencies by King Charles the Simple in 911-12: That from the latter date to the present time Ecrechous[sic] has never belonged to France: that there is no proof of the Kings of that Country having exercised any authority therein during all that interval, but that there is clear historical evidence that the Kings of England have done so.

Documentary evidence of English Sovereignty over the Channel Islands, including the Island of Ecrechous[sic], in the years 1200 and 1203² is quoted at length by the Attorney General, who states that, in his judgment, certain charters referred to in those Documents establish the facts, 1st that Ecrehou was an Island at all events before 1203 and 2^{dly} that even at that time it was considered a dependency of the more important Islands, and consequently of the one nearest to it; viz Jersey. The Attorney General quotes certain well established historical facts to prove³ that at the early date of 1309⁴ the Island of Ecrehous was already reduced to very small dimensions and that the Kings of England exercised Jurisdiction over its Inhabitants long after the cession of Normandy. In 1688 the [illegible] Commissioners of the Crown revenues advert to arrears of Rent due on account of the Priory on Ecréhou; some of these Rents having been paid as late as 1735⁵ and being probably still received.

Moreover the Isle of Ecrehou has from time immemorial, the Attorney General observes, been occupied by the Inhabitants of Jersey as a place for fishing, & cutting and drying Seaweed, and the possession and sale of property on the Island by British Subjects as late as the Year 1863⁶ is shown by documentary evidence,—the names of the various parties interested therein being given, & the Island being at the present time inhabited by a Jerseyman named Pruel[sic]⁷ who, with his wife, have lived there for some years. Moreover the Royal Court of Jersey has exercised⁸ Jurisdiction with respect to Criminal Acts committed in Ecrehou, in proof of which statement a case⁹ occurring during the present Century is quoted by the Attorney General.

Not only is Ecrechou[sic] nearer to Jersey than to France, but the 3 mile limit from Low water mark around it does not in any part

¹ *Recte* Lecanu.

² See Annexes A 8, A 9, A 10 and A 7.

³ "to prove" interlined in the original MS.; "which he states prove conclusively" struck through.

⁴ See Annex A 12.

⁵ *Recte* 1749. See Annex A 19.

⁶ See Annex A 91.

⁷ *Recte* Pinel. See the *Memorial*, paragraphs 138 (c) and 150.

⁸ Followed by "criminal", which is struck through.

⁹ *i.e.*, that of George Romeril. See Annex A 80.

encroach on the limits within which by the Convention concluded between England & France on the 2^d of August 1839 relative to the right of fishing in the waters between the British Islands and the Coast of France, the inclusive right of fishing is reserved to the French, and which limits are described in the Schedule to the Act of 6 & 7 Vict : cap : 79.

It only remains to be stated that the Commiss^{rs} of H[er]. M[ajesty].s Customs have expressed their opinion on a consideration of the facts of which the foregoing is a brief summary, that the Ecrehou Rocks have been properly included in the Warrant of the Treasury defining the limits of the Port of Jersey, which has formed the subject of the French Ambassador's representation ; and the Lords of the Treasury are unable themselves to take any other view of the case in question.

ANNEX A 34

**Opinion of the Commissioners of H.M. Customs, 15th June, 1876, on the
Sovereignty of the Ecréhous Islets**

[Treasury Board Papers, Bundle 7523A, File 10067]

No. 223.

To the Lords Commissioners
of Her Majesty's Treasury.—

Your Lordships having referred to Us the annexed letter dated the 17th ultimo, from Mr Lister, Under Secretary of State for Foreign Affairs, transmitting, by desire of the Earl of Derby, copy of a letter from the French Ambassador at this Court, calling attention to an error which the French Government affirm has crept into the text of an Order of your Lordships dated 2nd October last, the object of which is to establish the recognition of the Island of Jersey as a Channel Port, and to determine the limits thereof, the alleged error in your Lordships' Order consisting, as it is explained, in the "Ecrehou Rocks" being comprised within those limits, together with all islands, bays, harbours, rivers, and creeks comprised within a distance of three miles from the low-water mark of those islands :

We report.—

That your Lordships were pleased, by your Order of 9th October last¹, to transmit to Us, duly signed, Warrants defining the limits of the Ports of Jersey and Guernsey, the said Warrants having been prepared in this Department and submitted to your Lordships in Our Secretary's letter of the 2nd preceding.—

With reference to the communication from the French Government as to the nationality of the Ecrehou Rocks, We take leave to submit for the consideration of your Lordships copy of a Report² upon the subject which We have obtained from the Principal Officer of Customs at Jersey, together with copy of a letter³ from the Attorney General

¹ See Annex A 30.

² See Annex A 35.

³ See Annex A 36.

of the Island, in which he contends that the Rocks in question are bonâ fide British property, giving his reasons for such opinion, and states that the authorities of Jersey have exercised jurisdiction over the inhabitants of the Ecrehou Rocks for centuries past.— We also enclose a tracing showing the Fishery limits, with their several bearings as described in the Act 6 & 7 Vic. cap. 79, consequent upon the Convention concluded in Paris on the 2nd August, 1839¹.

We have only to add that in Our opinion the Ecrehou Rocks have been properly included in your Lordships' Warrant setting out the limits of the Port of Jersey.—

Custom House,
15th June, 1876.

FRED^{ck} ROMILLY
GRENVILLE C L BERKELEY

ANNEX A 35

Letter from the Principal Customs Officer of Jersey, June, 1876, enclosing Evidence of British Sovereignty over the Ecréhous Islets

[The Library, H.M. Customs & Excise]

Assistant Secretary's B¹

Custom House Jersey
June 1876—

No 18.

Honorable Sirs—

In returning the enclosed correspondence relative to the Ecréhou Rocks on the east coast of Jersey, I beg to call your Honors' attention to the annexed letter² from the Attorney General in this Island; which conclusively proves that the Rocks in question are bonâ fide British property; and also that the authorities of Jersey have exercised jurisdiction over³ the Inhabitants for centuries past.

The Rocks are distant about 4 miles from St Catherine's Light; and are visited occasionally by the Sen^r Boatman at Gorey for the purpose of making the usual endorsement on the certificate of a fishing boat, owned by Philippe Pinel, which is registered in this office⁴.

In order to place before your Honorable Board the exact position of the Ecréhou Rocks, I have set out on the annexed tracing the Fishery limits with their several bearings as described in the Schedule of the Act 6 & 7 Vic Cap 79, consequent upon the convention concluded in Paris 2nd August 1839⁵. The lines marked A to K define the limits between which and the French shore the right of fishery is reserved exclusively to French fishermen. It will be seen by line I.K. that the

¹ See Annex A 27.

² See Annex A 36.

³ "over" written over an erasure.

⁴ See Annex A 87.

⁵ See Annex A 27.

3 mile limit on the East side of the Ecréhou does not reach the French limit by nearly two miles; consequently the statement made by the French Ambassador ¹ that the recent Treasury Warrant would displace the English territorial[*sic*] limits, and alter the dispositions of the Fishery Convention Act, cannot be maintained

Respectfully
GEO. CLAYTON, P¹ Officer

ANNEX A 36

Letter from the Attorney General for Jersey, 5th June, 1876, to the Principal Customs Officer of the Island, giving evidence of British Sovereignty over the Ecréhous Islets

[The Library, H.M. Customs & Excise]

Sir, June th₅ 1876.—

I beg to acknowledge the receipt of your letter of the 24th May 1876 ², in which you state that a question has been raised by the French Ambassador in London, in a letter ³ to Lord Derby with respect to the Ecrehou Rocks, and requesting to know for the information of the Hon^{ble} the Board of Customs whether the authorities of Jersey exercise any jurisdiction on the inhabitants therein.—

In reply I beg to point out:—

1^o. That according to l'Abbé Le Canu, "Histoire des Evêques de Coutances," page 70, Ecrehou was separated from the main land[*sic*] Anno Domini 860, [and] consequently had become an Island long before the cession of Normandy and its dependencies by King Charles the Simple in 911-12.—

2^o. That from the latter date to the present time the Isle of Ecrehou has never belonged to France, that there is no proof of the Kings of that country having exercised any authority therein, during all that interval, but that there is clear historical evidence that the Kings of England have done so.

In 1200 as appears by a charter ⁴ dated on the 14th of January which is printed in the Volume edited by Sir Thomas Duffus Hardy, and published by the Record commission entitled "Rotuli Chartarum in Turri Londiniensi asservati" King John of England gave to Pierre des Préaux (Petrus de Pratellis) the Islands of "Gerse" of "Gernere" and of "Aurene"—

In 1203, as appears by a charter ⁵ which is printed in the XIth Volume of the "Gallia Christiana", The said Peter des Préaux gave to God and to the Church of the Blessed Mary of Val-Richer, and to the monks serving God there for the salvation of the soul of John the illustrious

¹ See Annex A 31.

² *i.e.*, "Principal".

³ *i.e.*, from the Principal Customs Officer of Jersey (*cf.* Annex A 35).

⁴ See Annex A 31.

⁵ See Annex A 8.

⁶ See Annex A 7.

King of England, who had given him the Islands (*insulas*), the Island of Ecrehou entirely (*insulam de Escrehou integre*) for the purpose of building a church there in honour of God and the Blessed Mary.—

These charters in my judgment, establish two things, that Ecrehou was an Island before 1203 at all events, and that even at that time it was considered a dependency of the more important Islands, and consequently of the one nearest to it, Jersey, since Peter des Préaux claims to be proprietor of it by virtue of the grant of King John, which grant only mentions the three largest Islands Jersey, Guernsey and Alderney. Among the records of the Pleas of Quo Warranto held in Jersey before the Royal Commissioners John de Fressingfield and William Roussel in the 2nd year of King Edward 2nd (1309)¹, there is one which shows that the Abbot of Valricher (Vauricher) was summoned to appear before them to show by what warrant he held a mill etc., and the advowson of the Priory of Eskreho, and received an annual sum of XX sous from the Receiver in Jersey, out of the Kings revenues there; in answer to which summons the Prior of that Priory, alleging himself to be the Procurator and Attorney of the said Abbot and his convent in the said Island, appears, and states that the site of the chapel of Eskreho stands in the sea at a distance from Jersey (*ab Insula*) on a small rock where there is little or no cultivable land nor any other building than the chapel; and that he and his companion and their servant reside in the chapel during the whole year for the purpose of maintaining a lighted fire or light (*ardentem focum[sic]*²) in that chapel, so that mariners passing by night³ be enabled to avoid the dangers of the rocks contiguous to the chapel where there is very great danger; that he had nothing more per annum for all their wants than the aforesaid mill and the aforesaid yearly rent of XX sols which their predecessors had held from of old, from time immemorial, in the same manner (*formâ*) in which they now held it, and that nevertheless they two always celebrate (a service or mass) for the King and his progenitors.—And the Jury having testified to the truth of this statement the Commissioners decided to allow the Prior to continue to hold the premises on the same footing on which he then held them, during the King's pleasure.—I quote from a manuscript copy in my possession which I have every reason to regard as correct.—The original is I believe at the Record Office in the custody of the Master of the Rolls.—

This document proves conclusively that at that early date the Island of Ecrehou was already reduced to very small dimensions, and that the Kings of England exercised jurisdiction over its inhabitants long after the cession of Normandy.

It may also be noticed that by the Treaty of Bretigny⁴, Edward III, while yielding up Normandy, expressly (Art VI.) reserves to himself the Isles adjacent and all Islands which he then held.—

³ In the Extent of the Crown Revenues, drawn up in 1607⁵ by the Royal Commissioners Gardiner and Hussey, and again in that completed in 1668⁶ by virtue of an Order of His Majesty in Council of the 22nd of

¹ See Annex A 12.

² *Recte "focum"*.

³ Followed by "might", which is struck through, in the original MS.

⁴ *i.e.*, of Calais. See Annex A 2.

⁵ See Annex A 19.

⁶ See Annex A 19.

March 1660-1 mention is made of several sums of wheat rents as due on account of the Priory of Escreho ; some of those rents were paid as late as 1735 ¹, and are probably still received.—

4^o The Isle of Ecrehou has from time immemorial been occupied by the inhabitants of Jersey, as a place for cutting and drying sea weed and for fishing.—There are now upon it several houses, all of which belong to Islanders, among others one belonging to M^r Lerrier Godfray ², two to M^r James Godfray and I find by a Contract or Deed dated November 21st 1863 ³ and registered in the Public Register of this Island that some property in Ecrehou was sold by M^r Clement Gallichan to M^r Joshua Le Bailly, which property now belongs to M^r Thomas Simon in right of his father tenant after décret to the said M^r Le Bailly. Ecrehou is at present inhabited by a Jerseyman named Pinel ⁴, who has lived there with his wife for some years.—

5^o The Royal Court of Jersey has exercised jurisdiction with respect to criminal acts committed at Ecrehou. I find in the Rolls of the Criminal Court that in 1826 a man of the name of Romeril ⁵ was prosecuted before the Royal Court of Jersey, at the suit of the Attorney General, on a charge of having attempted to take the life of John McGras, by shooting him with a pistol or other kind of fire arm loaded with powder and ball, the said criminal act having been committed at the Ecreho Rocks.—

6^o Not only is Ecrehou nearer to Jersey than to France, but the three-mile limit from low water mark around it, does not in any part encroach on the limits, within which, by the Convention concluded between England and France on the 2nd of August 1839 ⁶, relative to the right of fishing in the waters between the British Islands and the coast of France, the exclusive right of fishing is reserved to the French, and which limits are described in the Schedule to the Act of the 6 and 7 Vict : chapter 79 : — On the other hand were Ecrehou acknowledged to belong to France I believe it will be found that the three-mile limit would trench on the limits around the latter Island within which the exclusive right of fishing is by the same Convention secured to British subjects.—

In conclusion it appears to me that whatever concessions the British Government may be disposed to make as regards the reduction of the fishing limits around Ecrehou, that there can be no doubt that it is a British possession, and as a Jerseyman I sincerely wish for the safety and interest of Jersey that it may ever remain so.—

I am,
Sir,

Your very obedient Servant.

ROBE^t : PIPON MARETT

Attorney General

George Clayton Esq^{re}

Principal Officer of H.M.'s Customs
Jersey.

¹ Actually, as late as 1749, when there was another *Extente*. See Annex A 19.

² See Annex A 92.

³ See Annex A 91.

⁴ See *Memorial*, paragraphs 138 (c) and 150.

⁵ See Annex A 80.

⁶ See Annex A 27.

ANNEX A 37

Petition by Jersey Fishermen and Landowners, 15th March, 1883, complaining of Illegal Fishing Activities by Frenchmen at the Ecréhous Islets, and praying Her Majesty in Council to consider the Matter
 [*Pétition d'un grand nombre de Pêcheurs et Autres (&c.) (Jersey, 1883), pp. 3-4*]

A son Excellence le Lieutenant-Général LOTHIAN NICHOLSON, C.B., R.E., Lieutenant-Gouverneur de l'Ile de Jersey ;

A Messire ROBERT-PIPON MARETT, Chevalier, Bailli, Président, et à Messieurs les Membres des Etats de ladite Ile.

MESSIEURS,

Nous, les soussignés, Pêcheurs et autres Propriétaires, demeurant dans les Paroisses de l'Est de ladite Ile, et possesseurs de maisons aux îles dites les "Ecréhous," très humblement représentent :

Que, depuis assez longtemps, un nombre de sujets Français se rendent, sans droit, souvent aux dites îles pour se livrer à la Pêche, contrairement à l'acte de Parlement (6 et 7 Victoria 1843), et aux conventions établies entre le Gouvernement de Sa Majesté Britannique et le Roi des Français, sur les devoirs et obligations des Pêcheurs des deux Nations, et notamment en opposition directe à l'article V de ladite convention¹, qui défend à tout pêcheur, soit Anglais ou Français, de se livrer à aucune pêche quelconque dans les limites respectives de chaque nation ;

Que, non satisfaits de prendre le poisson, un nombre de Français se livrent aussi à la coupe du gouémet ou varech, au détriment des sujets Britanniques qui sont dans l'habitude, pendant la saison voulue par la Loi de Jersey, de se livrer à cette coupe ;

Qu'une représentation dans le sens ci-dessus ayant été faite par Monsieur H. C. Bertram, Sous-Agent des Impôts, au Commandant Anson du Garde-pêche [s]tationné au Hâvre de Mont Orgueil, qui par l'articles 8 [et] 9 de ladite convention doit veiller à la protection des pêcheries de l'Ile, afin qu'il intervienne pour la faire respecter ;

Ce dernier, le 15 Août 1881, référa le sujet aux Seigneurs de l'Amirauté, qui le 29e Janvier 1882 l'informèrent que le Secrétaire d'Etat pour l'intérieur leur avait intimé que ledit Commandant ne devait pas s'immiscer dans l'affaire "has intimated that the existing state of things shall "be left undisturbed apart from any steps which it may be necessary "to take to protect the Revenue of the Channel Islands."

Que ce fait liant ainsi les mains du Commandant, laisse le champ libre aux Français de pêcher non seulement aux "Ecréhous," mais tout aussi bien sur le littoral de Jersey même, en un mot dans toutes les limites Anglaises ;

Qu'en conséquence de ces faits et du tort que cause la non-exécution de ladite Convention à vos Pétitionnaires, ils prient très humblement votre Assemblée de vouloir bien prendre telles mesures qu'elle jugera convenable[*sic*] envers le Gouvernement de Sa Majesté, pour assurer

¹ See Annex A 27. The Article is incorrectly numbered: it should be Article 9.

la mise à exécution de la Loi, et pour protéger les pêcheries de notre pays contre les incursions étrangères ;

Et vos Pêti[t]ionnaires selon que très-obligés prieront &ca., &ca. ;

(*Suivent les signatures.*)

ANNEX A 38

Dispatch from the French Ambassador to the Foreign Office, 25th April, 1883, protesting against an alleged "Projet de Loi" of the States of Jersey, forbidding French Fishermen access to the Ecrehous Islets

[*Foreign Office Papers, 27/3652*]

*Ambassade de France
en Angleterre*

Londres le 25 Avril 1883.

Monsieur le Comte

Il résulte des informations transmises au département des Affaires Etrangères par le vice-consul de France à Jersey que les Etats de l'île, dans la séance du 15 du mois dernier, ont pris en considération un projet de loi tendant à interdire aux pêcheurs Français l'accès des Ecrehous, groupe de rochers situé à distance égale de Jersey et du littoral français. Cette décision a été motivée par une pétition¹ des pêcheurs jersiais de St Martin affirmant que les Ecrehous ont toujours été considérés comme une dépendance de Jersey et que, par suite, nos pêcheurs n'ont point le droit d'exercer leur industrie dans les limites de la juridiction anglaise.

Cette prétention ne saurait être admise par le gouvernement de la République et, si les Etats de Jersey votaient le projet de loi en seconde lecture, ce fait serait contraire à un usage constant, reconnu notamment dans la convention sur les pêcheries de 1839² actuellement en vigueur entre les deux pays.

Ce n'est pas la première fois que la question des Ecrehous a été soulevée entre les deux gouvernements. En 1875, un ordre³ des "Lords Commissioners" de la Trésorerie, ayant pour objet de faire reconnaître l'île de Jersey comme un port de la Manche et d'en fixer les limites, déclarait que "les limites dudit port comprendront l'entrée de ladite île, ainsi que les rochers appelés Ecrehous, et qu'elles s'étendront vers la mer jusqu'à une distance de trois milles de la ligne de la basse mer de la côte de Jersey et trois milles de la ligne de la basse mer desdits rochers Ecrehous et comprendront toutes les îles et baies, havres[*sic*], rivières et criques en dedans desdites limites."⁴

Cette délimitation avait pour conséquence la prise de possession des Ecrehous par l'Angleterre ; aussi, mon gouvernement avait-il, par une lettre en date du 17 Février 1876, prié M. le M^{re} d'Harcourt, alors ambassadeur à Londres, d'adresser des représentations⁵ à ce sujet au cabinet de St James.

¹ See Annex A 37.

² See Annex A 27.

³ See Annex A 30.

⁴ The words in italics are underlined in the original MS.

⁵ See Annex A 31.

En réponse à cette communication, M. le M^{ls} d'Harcourt a fait parvenir à M. le Duc Decazes le 12 Septembre 1876 un mémorandum¹ qui lui avait été remis par Lord Derby et qui contenait une analyse d'un rapport du directeur des Douanes² et d'un avis³ du procureur général de Jersey tendant à justifier le droit de propriété de l'Angleterre sur les Ecrehous par des considérations historiques et géologiques.

Le Gouvernement français n'a pas jugé opportun à cette époque d'entamer une discussion sur ce point avec le gouvernement britannique⁴ et il s'est maintenu dans cette réserve jusqu'à présent d'autant plus volontiers qu'en fait nos pêcheurs ont continué à exercer leur industrie le long des Ecrehous sans rencontrer d'opposition de la part de l'autorité britannique, ce qui permet de supposer que les arguments présentés dans le mémorandum de 1876 pour revendiquer la propriété exclusive de ce groupe de rochers ne lui paraissaient pas absolument péremptoires⁵. Il résulte, d'ailleurs, de la pétition même qui a été adressée récemment aux Etats de Jersey par les pêcheurs de St Martin qu'à la date du 29 Janvier 1882, "le Secrétaire d'Etat pour l'intérieur avait, malgré les "réclamations des pêcheurs jersiais contre la présence des pêcheurs "français aux Ecrehous, intimé aux lords de l'Amirauté que le commandant du garde-pêche, chargé de la surveillance des pêcheries de l'île "de Jersey, ne devait point s'immiscer dans l'affaire des Ecrehous."

Quoiqu'il en soit, en présence du projet de loi pris en considération par les Etats de Jersey, le gouvernement de la République ne saurait laisser contester à nos pêcheurs l'accès des rochers dont il s'agit et je me conforme à ses instructions en soumettant à Votre Excellence les considérations sur lesquelles se fondent nos réclamations.

Dans l'état actuel des choses, il paraît superflu de discuter les points historiques et géologiques contenus dans le mémorandum anglais de 1876. Ce serait déplacer la question qu'il importe de maintenir sur le terrain de la convention de 1839.

Or, cette convention stipule expressément aux articles 1, 2 et 3, comme M. le duc Decazes l'a rappelé dans sa lettre précitée du 17 Février 1876, au M^{ls} d'Harcourt, la formation de trois zones[*sic*] absolument distinctes : une zone française exclusivement réservée aux pêcheurs français ; une zone anglaise exclusivement réservée aux pêcheurs anglais ; enfin, une zone neutre, commune aux pêcheurs des deux pays.

La délimitation exacte des zones française et anglaise présente d'autant plus d'importance qu'elle a pour objet de fixer l'étendue non seulement des eaux territoriales respectives, mais aussi de la mer commune ; toute extension abusive de l'une ou l'autre des deux premières zones aurait pour résultat d'interdire aux sujets de l'un des deux pays le droit de pêche dans les localités où ils étaient légalement admis à exercer leur industrie concurrentement avec les sujets de l'autre pays. Aussi, le mémorandum anglais de 1876 déplace-t-il la question, lorsqu'il insiste, à deux reprises, sur ce que la nouvelle délimitation du port de Jersey n'affecte en rien les limites de la zone française, en dedans desquelles

¹ See Annex A 33.

² See Annex A 35.

³ See Annex A 36.

⁴ The words "Le britannique" have a pencilled line set against them in the margin in the original MS.

⁵ The words "lui péremptoires" are underlined in pencil in the original MS.

le droit de pêche est exclusivement réservé aux pêcheurs français ; nos réclamations étaient dirigées contre les empiètements commis, non pas sur la mer territoriale française, mais bien sur la mer commune.

Quant aux limites de la zone anglaise, elles ne sauraient être modifiées par la revendication d'un droit de propriété sur tel ou tel îlot, droit toujours plus ou moins contestable lorsqu'on prétend le baser uniquement sur des données géologiques ou historiques. Ces limites ont été déterminées par une clause formelle, c'est-à-dire par l'article 2 de la convention de 1839 qui les fixe à une distance de *trois milles de l'île de Jersey*¹ et non pas, comme le dit le mémorandum anglais, de *trois milles à l'est des Ecrehous*¹ ; ce qui supprimerait entièrement dans ces parages toute mer commune entre les eaux anglaises et françaises, alors que l'article 3 de la même convention parle d'une mer commune située entre les limites des deux zones anglaise et française², limites en dedans desquelles la pêche aux huîtres est exclusivement réservée soit aux pêcheurs français, soit aux sujets britanniques.

Le gouvernement anglais objectera peut-être : 1° que si la délimitation de la zone britannique a été déterminée dans la convention de 1839 par l'article 2 qui fixe cette limite à *trois milles de Jersey*¹, la convention de 1867³ se borne à stipuler en termes généraux, à l'article 1^{er}, que "les pêcheurs britanniques jouiront du droit exclusif de pêche dans un rayon de trois milles de la laisse de basse mer le long de toute l'étendue des côtes des Iles Britanniques" ;

2° que l'article 38 de la convention de 1867 complète, ainsi qu'il suit, cette dernière disposition : "Les termes "Iles Britanniques" et "Royaume-Uni" employés dans cette convention comprennent les "îles de Jersey, Guernsey, Alderney et Sercq, l'île de Man et leurs dépendances".

Il nous paraît inadmissible, toutefois, que le cabinet de Londres songe à se prévaloir de cette différence de rédaction pour modifier les limites de la mer commune, telles qu'elles ont été déterminées, d'un commun accord, entre les deux gouvernements, lors de la conclusion de la convention de 1839.

Sur le premier point, en effet, il suffit de se référer au procès-verbal de la seconde séance de la commission anglo-française réunie à Paris au mois de Décembre 1866, pour la révision de la convention de 1839. Il y est dit que les articles 2 et 3 de la convention de 1839 ont paru inutiles en présence du principe général posé par l'article 1^{er} de la nouvelle convention.

Quant au second point, les commissaires anglais et français ont déclaré dans cette même séance qu'il n'y avait pas lieu de faire le moindre changement à la carte signée en 1839 par les parties contractantes. Or, cette carte reproduit, d'une manière aussi précise que possible, les limites de chacune des zones et notamment de la zone neutre. Il en résulte donc que les Ecrehous qui figurent sur la carte de 1839 comme étant compris dans la mer commune, doivent, encore aujourd'hui, être considérés comme situés dans cette mer : par suite, nos pêcheurs ont le droit de pratiquer la pêche le long de ces rochers et d'y récolter les varechs et autres herbes marines.

¹ The words in italics are underlined in the original MS.

² The words "ce ... zones anglaise et française" have a pencilled line set against them in the margin.

³ See Annex A 28.

Les considérations que je viens d'avoir l'honneur de vous soumettre, Monsieur le Comte, sont trop fondées, au point de vue du droit conventionnel, pour que le gouvernement de Sa Majesté la Reine ne les prenne pas en considération et je me plais à espérer que Votre Excellence, reconnaissant la légitimité de nos réclamations, voudra bien provoquer les mesures nécessaires pour le maintien de l'état de choses auquel la résolution prise par l'Assemblée de Jersey est de nature à porter une grave atteinte.

Je saisis cette occasion, Monsieur le Comte, pour vous renouveler les assurances de la haute considération avec laquelle j'ai l'honneur d'être

de Votre Excellence
le très humble et très
obéissant serviteur.

CH. TISSOT

Son Excellence
Monsieur le Comte Granville
etc. etc. etc.

ANNEX A 39

Second Dispatch from the French Ambassador to the Foreign Office, 26th May, 1883, protesting against an alleged "Projet de Loi" of the States of Jersey, forbidding French Fishermen access to the Ecréhous Islets

[*Foreign Office Papers, 27/3652*]

*Ambassade de France
en Angleterre*

Londres le 26 Mai 1883.

Monsieur le Comte,

Par une note¹ en date du 25 Avril dernier, j'ai eu l'honneur de signaler à Votre Excellence la prise en considération, par les Etats de Jersey, d'un projet de loi tendant à interdire aux pêcheurs français l'accès des Ecréhous. J'insistais en même temps sur le caractère illégal d'une mesure qui ne tendait à rien moins qu'à méconnaître la neutralité de ces îlots, implicitement consacrée par les conventions conclues entre la France et l'Angleterre.

En m'accusant réception de cette note, le 28 du même mois, Votre Excellence a bien voulu me dire que la question serait l'objet d'un sérieux examen de la part du gouvernement de la Reine.

Il résulte de nouvelles informations parvenues au gouvernement de la République française que le projet de loi auquel je viens de faire allusion a été voté le 7 de ce mois par les Etats de Jersey et que le Comité de ces Etats a été chargé d'en demander la sanction au Conseil Privé.

Au moment où le gouvernement anglais va être saisi de l'injustifiable décision prise par les Etats de l'île, je crois inutile de revenir auprès

¹ See Annex A 38.

de Votre Excellence sur la question de droit, suffisamment établie dans ma précédente communication. Je me borne à exprimer la conviction que le gouvernement de Sa Majesté Britannique se refusera à sanctionner une mesure qui porterait une grave atteinte à l'état de choses consacré par les traités existant entre les deux pays. L'entière confiance qui nous anime, à cet égard, ne nous est pas seulement inspirée par le sentiment de notre droit; nous la puisons aussi dans l'esprit de justice dont s'est montré animé le gouvernement de la Reine lorsqu'il s'est refusé à plusieurs reprises; dans le cours de ces dernières années, et notamment en 1881, à prêter son appui aux tentatives faites par les habitants de Jersey depuis 1857, pour modifier à leur profit le *statu quo*¹ sanctionné par le droit conventionnel.

Veuillez agréer, Monsieur le Comte, les assurances de la haute considération avec laquelle j'ai l'honneur d'être,

de Votre Excellence,
le très humble et très
obéissant serviteur.

CH. TISSOT

Son Excellence
Monsieur le Comte Granville
etc. etc. etc.

ANNEX A 40

Dispatch from the Foreign Office to the French Ambassador, 24th October, 1883, citing Evidence of the British Claim to the Sovereignty of the Ecréhous Islets

[*Foreign Office Papers*, 27/3652²]

*Draft of Despatch from Earl Granville to
M. Waddington*

Foreign Office,

Oct 24, 1883.

M l'Ambassadeur,

SINCE I had the honour to acknowledge the receipt of M. Tissot's notes³ of the 25th April and 26th May last on the subject of the claim of French fishermen, under the Convention of 1839⁴, to fish within 3 miles of the Islets called the Ecréhous near Jersey, Her Majesty's Government have very fully considered the representations of the French Government therein contained, and I have now the honour to communicate to your Excellency the conclusions at which they have arrived.

¹ The words in italics are underlined in the original MS.

² The text is based on the final printed draft, which embodies a number of emendations shewn in the original in red ink. The Dispatch is also printed in *Foreign Office Confidential Print*, No. 5090 (1883-4), No. 30, pp. 38-40.

³ See Annexes A 38 and A 39.

⁴ See Annex A 27.

In the first of M. Tissot's communications above referred to, complaint was made that the States of Jersey were about to pass an Act prohibiting to French fishermen access to the Ecréhos, in violation of the existing usage, and of the Fishery Convention of 1839; and the hope was expressed that Her Majesty's Government would recognize the justice of the protest of the French Government, and take steps to prevent any disturbance of the existing state of things.

Before proceeding further, I desire to correct a misapprehension which appears to have arisen as to this supposed legislative measure of the States of Jersey. It was not a "Projet de Loi" in the sense understood by M. Tissot, but only a Petition¹ presented to the States by the Jersey fishermen, praying that steps might be taken to protect the exclusive right of fishery which they claim within 3 miles of the Ecréhos under the Convention of 1839.

In his second letter of the 26th May M. Tissot, while complaining that the supposed "Projet de Loi" had been since voted by the States of Jersey, reiterates the hope that Her Majesty's Government will not permit a departure from the *status quo* of 1881, which Her Majesty's Government had then decided conditionally to leave undisturbed.

His Excellency insisted on the character of neutrality which he held to be impliedly imposed on the Ecréhos by the Conventions between the two countries, thus suggesting for the first time the fact that those islets are neutral territory, a proposition which I may be permitted to observe has no foundation in any Convention or correspondence between the two Governments.

I can hardly believe, M. l'Ambassadeur, that M. Tissot intended seriously to call in question the right of the British Crown to the sovereignty of the Ecréhos. Those islets have always been treated as a dependency of Jersey; the soil belongs entirely to Jerseymen—chiefly fishermen who have dwellings and own small tracts of land there—and the islets for administrative purposes form part of the Parish of St. Martin's, in the Island of Jersey.

Moreover, when, in October 1875, as stated by M. Tissot, the Lords Commissioners of Her Majesty's Treasury issued an Order² constituting the Island of Jersey a Channel port, and mentioning the Ecréhos as being included in the limits of that port, the Earl of Derby, then Secretary of State for this Department, in reply³ to a representation from the French Ambassador on this subject, and after consultation with the Law Advisers of the Crown, furnished his Excellency with a statement of facts which, in the view of Her Majesty's Government, presented conclusive evidence of the title of the British Crown to the Ecréhos as dependencies of Jersey, and those statements the French Government did not attempt to controvert.

Her Majesty's Government, therefore, do not consider it necessary to discuss the question of the sovereignty of Great Britain over those islets; and the only question which arises is whether, the Ecréhos being British territory, French fishermen are entitled, under the terms of the Convention of 1839, to participate either in the oyster fishery or in the general fishery within 3 miles of those islets.

¹ See Annex A 37.

² See Annex A 30.

³ See Annexes A 32 and A 33.

M. Tissot, in his letter of the 25th April, argues that the question must be governed solely by the terms of the Convention of 1839; that three distinct "zones" were established by Articles I, II, and III of that Convention, the first being reserved exclusively to French fishermen, the second to British fishermen, and the third, or intermediate zone, to the fishermen of both countries; that, apart from any territorial question, the fishery in the intermediate zone was, by Article III of the Convention, declared to be common to the subjects of both countries; that the limits of the British zone are fixed by Article II at 3 miles from the island of Jersey, and not at 3 miles from the Ecréhos; and that, the latter islets being more than 3 miles from Jersey, they are within the intermediate zone, and therefore within the common fishery.

M. Tissot further argues that if the limit of the British zone were taken at 3 miles from the Ecréhos, instead of 3 miles from Jersey, it would entirely absorb in that locality the intermediate zone provided for in Article III of the Convention.

It is manifest that the above arguments cannot apply to the general fishery, but only to the oyster fishery, the limits of which are, as stated by M. Tissot, regulated by Articles I, II, and III of the Convention; and that even if the French claim were admitted as regards the oyster fishery, it would be clearly untenable as regards the general fishery, for the limits of the *general fishery* are regulated by Article IX of the Convention, and the British limit within which British fishermen have the exclusive right of fishery is fixed by that Article at 3 miles from low-water mark, not "from the Island of Jersey," but "along the whole extent of the coasts of the British Islands."

I may observe also that Article 65 of the Fishery Regulations agreed to by the British and French Governments in May 1843 (and which are carried into effect, so far as British cruisers are concerned, by the Act 6 & 7 Vict., cap. 79, sec. 18) provides that "the Commanders of cruisers of both countries shall exercise their judgment as to the causes of any transgressions committed by British or French fishing-boats in the seas where the said boats had the right to fish *in common*," and that Article 85 of those Regulations enacts that "the fishing-boats of the one country shall not approach nearer to any part of the coasts of the other country than the limit of 3 miles specified in Article IX" of the Convention of 1839.

These very positive and unambiguous declarations could not be affected by the circumstance that the British and French zones described in M. Tissot's letter happened, at one particular point, to overlap one another. But his Excellency would seem to be in error as to the fact, as the Ecréhos are situated about $5\frac{1}{2}$ miles from the coast of Jersey, and $8\frac{1}{4}$ miles from the coast of France; consequently the zones could not overlap.

In the same letter M. Tissot refers to the Fishery Convention of 1867¹, which has not yet come into operation, and the terms of which are rendered still more precise and conclusive by the definition given in Article XXXVIII of the words "British Islands" as including the Islands of Jersey, Guernsey, Alderney, Sark, and Man, *with their dependencies*. His Excellency deprecates any argument being drawn from that

¹ See Annex A 28.

provision adverse to the French claim ; but it would be impossible, in the discussion of this question, to leave out of consideration the terms of the Convention of 1867, which did not purport to make any change in the fishery limits, and must be considered, therefore, as containing a more precise exposition of the meaning of the Convention of 1839 as regards the limits of the general right of fishery reserved to each nation. Indeed, as observed by M. Tissot, the British and French Commissioners in 1866 declared that there was no occasion to make any alteration in the Chart attached to the Convention of 1839. With reference to this Chart, however, his Excellency states that it reproduces as precisely as possible the limits of the British and French "zones," and notably those of the intermediate zone ; but a reference to the Chart will show that the only limits delineated on it are those of the French oyster fishery, that is to say, the French zone. Neither the British zone nor the intermediate zone are delineated on the Chart, and therefore the question whether the Ecréhos are in the "mer commune," or within the exclusive British fishery limits, cannot be solved by reference to the Chart, but depends entirely on the construction of the Convention.

As regards the oyster fishery, Her Majesty's Government consider the words in Article II of the Convention of 1839, "within 3 miles of the Island of Jersey," should be construed as indicated in Article XXXVIII of the Convention of 1867, that is to say, as including the Ecréhos, which are "dependencies" of Jersey. It appears to them that notwithstanding the language used in Articles II and III of the Convention of 1839, as compared with that of Article IX, the intention of the High Contracting Parties on this point was precisely the same in 1839 as it was in 1867.

As regards the right of general fishery within 3 miles of the Ecréhos, Her Majesty's Government consider that the terms of Article IX of the Convention of 1839 and of the Fishery Regulations above referred to, admit of no doubt as to its being reserved exclusively to British subjects. The claim of French fishermen to participate in it appears to put in question the sovereignty of Great Britain over those islets, and I trust, therefore, M. l'Ambassadeur, that your Government will appreciate the difficulty felt by Her Majesty's Government in making any concession on this point consistently with the territorial rights of this country.

I have, &c.

[GRANVILLE].

ANNEX A 41

Dispatch from the French Ambassador, 15th December, 1886, to the Foreign Office, Claiming for the first time French Sovereignty over the Ecréhous Islets

[Foreign Office Papers, 27/3653]

Ambassade de France
en Angleterre.

Londres le 15 décembre 1886

Monsieur le Comte,

Par une lettre en date du 25 avril 1883¹, mon prédécesseur[sic] M. Tissot exposait à Votre Seigneurie pour quel motif le Gouvernement Français n'avait pas encore répondu au memorandum[sic] remis en septembre 1876² par Lord Derby au Marquis d'Harcourt et qui tendait à justifier le droit de propriété de la Grande-Bretagne sur les rochers des Ecréhous situés près de l'île[sic] de Jersey par des considérations d'ordre historique et géologique.

Mon Gouvernement, en ajournant ainsi sa réponse, voulait en outre se ménager le temps d'examiner avec l'attention qu'ils méritaient, les arguments qui lui étaient opposés et de relever dans les archives nationales de la France les pièces et les chartes de nature à dissiper, s'il était possible, les incertitudes qui planent depuis si longtemps sur la situation de droit³ des Ecréhous.

Un comité de spécialistes avait été nommé à cet effet ; après de longs et consciencieux travaux, il est arrivé à pouvoir saisir le Ministère des Affaires Etrangères d'un rapport⁴ dont Votre Seigneurie trouvera ci-joint copie. Il est répondu point par point aux assertions du memorandum de 1876⁵ et, à la lumière des nouvelles données historiques et géologiques recueillies dans ce rapport, la France semble justifiée à réclamer pour elle le droit de souveraineté sur les Ecréhous.

Le rapport se termine par une étude approfondie de la question des Ecréhous au point de vue de la pêche. Mon Gouvernement, s'appropriant les conclusions du comité, considère qu'en vertu du texte et de l'esprit des différentes conventions sur la matière, ses nationaux ne sauraient être en aucun cas évincés du droit d'exercer la pêche autour de ces îlots[sic]. Cette partie du rapport ajoute de nouveaux arguments à ceux que M. Tissot avait fait valoir le 23[i.e., 25] avril, 1883⁶, et elle est destinée à répondre plus particulièrement à la communication⁷ de Lord Granville du 24 octobre de la même année.

Ainsi, et lors même que les titres les plus légitimes de la France à posséder les Ecréhous ne seraient pas désormais établis, les rochers en question se trouvant, de par le droit conventionnel, dans la zone commune aux deux pays, les pêcheurs français, aux yeux du Gouvernement

¹ See Annex A 38.

² Recte July. See Annexes A 32 and A 33.

³ Underlined in the original MS.

⁴ See Annex A 42.

⁵ See Annex A 33.

⁶ See Annex A 38.

⁷ See Annex A 40.

de la République, devraient être admis à exercer librement leur industrie dans ces eaux.

Mais mon Gouvernement aime à espérer qu'après mûr examen le Gouvernement de la Reine reconnaîtra[*sic*] loyalement le bien fondé de l'ensemble des conclusions du rapport que j'ai l'honneur de lui soumettre.

L'administration française en exposant ainsi les titres qui lui permettraient d'établir son autorité sur les Ecréhous ne nourrit aucune visée de nature à inquiéter le Gouvernement de la Reine. Pour le prouver, je suis autorisé à déclarer que nous ne ferions pas d'opposition à ce que ces îlots[*sic*] fussent neutralisés au point de vue militaire, et nous prendrions volontiers à cet égard tous les engagements les plus propres à écarter les malentendus.

Il en serait de même au sujet du droit de pêche. Le libre exercice de ce droit en faveur des sujets anglais ne saurait en tout état de cause être contesté, en présence de l'interprétation que le Gouvernement français croit devoir donner aux conventions existantes sur la pêche dans ces parages, et particulièrement à la convention de 1839¹.

Je serai reconnaissant à Votre Seigneurie de vouloir bien m'informer ultérieurement de l'accueil qui aura été[*sic*] fait à ma démarche par le Gouvernement de la Reine. ·|·

Veillez agréer les assurances de la haute considération avec laquelle j'ai l'honneur d'être,

Monsieur le Comte,
de Votre Seigneurie,
le très-humble et
très-obéissant serviteur
WADDINGTON

Sa Seigneurie,
le Comte d'Iddesleigh
& & &

ANNEX A 42

**Report by a French Committee of Experts, November 1886, on the
Sovereignty and Fishing Rights of the Ecréhous Islets, enclosed in the
French Ambassador's Dispatch of the 15th December, 1886**

[*Foreign Office Papers, 27/3653*]

Rapport sur la situation des Ecréhous au point de vue de la dépendance territoriale.

Paris, Novembre 1886.

Pour établir sa souveraineté sur les Ecrehous, le Gouvernement Anglais invoque deux ordres de considérations. Il prétend d'abord que ce plateau rocheux est une dépendance géologique de Jersey, qu'il a toujours suivi le sort de cette île ; et il cite à l'appui de cette thèse l'Histoire des Evêques de Coutances, de l'abbé Lecance[*sic*]—Suivant lui, cet auteur aurait établi qu'Ecrehou aurait été détaché du Continent en l'an 860.

Il soutient ensuite que, depuis 1203, la Couronne Anglaise a toujours exercé la souveraineté au plateau des Ecrehous.

¹ See Annex A 27.

Il est incontestable, en ce qui concerne le premier point, que les Ecrehous, comme les Chausey, les Minquiers, etc., faisaient primitivement partie du Continent ; mais l'abbé Lecance, dans son ouvrage précité, ne dit pas à quelle époque se serait produite leur séparation. Certains historiens de Jersey ont voulu fixer à 709 la date d'un cataclysme, amené par une grande marée d'équinoxe, qui aurait submergé une vaste plaine s'étendant des rivages de la France à ceux de l'Angleterre. (M. Pégot Ogier, Histoire d'Aurigny, Serk, etc....)

D'autres auteurs, tout en admettant que la séparation de Jersey du Continent ait eu lieu en 709, ont reporté à 1203 l'isolation des Ecrehous. Elle aurait été causée par l'invasion de la mer, qui tendait à se frayer une issue à l'endroit appelé plus tard le passage de la Déroute. Jean Sans Terre donna l'île, alors très peuplée, au Seigneur du Pratel¹, qui à son tour en fit don² à l'Abbaye du Val Richer "pour bâtir une église en l'honneur de Dieu et de la Sainte Vierge". Et la charte de fondation ajoute que les habitants ne peuvent plus venir entendre la messe à Port Bail en Cotentin.

Mais il paraît prouvé que l'île des Ecrehous n'a été isolée du Continent que par l'action lente de la mer, et non par un cataclysme violent tel que celui qui submergea la forêt de Scissy autour du Mont Saint-Michel. C'est ce que démontre une carte comparative, publiée par M. Ernest Desjardins, de l'état de la baie du Mont Saint Michel avant et après la submersion de la forêt de Scissy. Ce phénomène n'a pu avoir aucune influence sur Jersey ou sur les Ecrehous.

Il faut renoncer à fixer avec précision l'époque de l'isolation de ces îles. Mais il est certain : 1°. que Jersey a été séparée du Continent bien avant les Ecrehous ; 2°. que cette dernière île n'a jamais été une dépendance de Jersey, soit au point de vue géographique, soit au point de vue géologique.

En effet, les cartes indiquent une profondeur de 124 et de 147 pieds entre Jersey et les Ecrehous, tandis que ceux-ci ne sont séparés du Continent que par un chenal de 30 pieds au plus de profondeur. Ils font géographiquement parti du Continent, et il suffirait d'un léger abaissement de la mer pour qu'ils s'y rattachassent de nouveau — De plus, une rivière, l'Ay, qui a actuellement son embouchure au Hâvre[*sic*] de Saint-Germain, creusait autrefois un estuaire entre Jersey et les Ecrehous ; et la falaise de Jersey tourne le dos aux Ecrehous. Enfin, la nature du sol diffère absolument entre Jersey, Guernesey et Aurigny, et la côte du Cotentin, qui appartient avec les Ecrehous au terrain de transition du système Silurien.

En se plaçant au point de vue historique, on constate, dans l'itinéraire maritime d'Antonin (IV^e siècle), l'existence des îles de Jersey, Aurigny et Guernesey. Quant aux Ecrehous, ils faisaient partie du Continent à une époque très postérieure à l'établissement du Christianisme en Gaule ; et ils constituaient une fraction du village d'Ecrehou, dont la fraction restante est encore aujourd'hui la section la plus importante et la plus peuplée de la Commune de Carteret—

¹ See Annex A 8.

² See Annex A 7.

³ "IV^e" is struck through, and „quatrième" interlined, in pencil, in the original MS.

M. Pégot Ogier, dans son *Histoire des Iles de la Manche*, (Livre II, Chapitre 1^{er}, p. 58), donne une liste des Chapelles, prieurés et Couvents, payant rentes ecclésiastiques aux grandes fondations Continentales, qui ont été englouties par les flots. Du reste, il existe une tradition constante d'après laquelle l'Évêque ou l'Archidiacre de Coutances, pour faire ses tournées pastorales, passait par les Ecrehous et de là par une passerelle de bois pour aller à Jersey. Ceci indique que, à une époque très reculée, Jersey était séparée des Ecrehous par un petit bras de mer formé par l'estuaire de l'Ây.

Le Gouvernement Britannique, après avoir mis en avant des considérations géologiques et géographiques, s'appuie sur l'Histoire pour démontrer que les Rois d'Angleterre ont exercé des droits de souveraineté sur les Ecrehous, tandis que les Rois de France n'y ont pas fait sentir leur autorité.

Il faut remonter pour cela à 1603, époque à laquelle le bailli de Jersey, Hélier de Carteret, fit brûler les parchemins qui étaient entassés dans les greffes de l'île. Il attribuait, paraît-il [*sic*], à ces documents une peste qui désolait le pays.

Il faut donc recourir à divers recueils pour connaître l'histoire des Ecrehous.

Le premier titre qui s'y rapporte est conservé dans un ouvrage Français, *la Gallia Christiana*, (fin du Volume IX¹, Collection des *Instrumenta*, colonne 94, No. XXXII).

C'est un acte de donation de 1203², par lequel Pierre Despréaux, bailli du Cotentin et depuis 1200 gardien des trois îles de Jersey, Guernesey et Aurigny³, fait présent de l'île des Ecrehous à l'Abbaye du Val Richer, à la condition qu'il y soit élevé une église où il sera prié "pour l'illustre Roi d'Angleterre", qui l'avait nommé Seigneur des Iles.

Pierre Despréaux était du reste Français et il ne soutint que momentanément la cause de Jean Sans Terre; et M. Pégot Ogier raconte comment il fit sa soumission à Philippe Auguste, qui assiégeait Rouen. Il en obtint la confirmation de tous ses fiefs et qualités; mais il oublia de faire mention des Iles de la Manche—

Jean Sans Terre se saisit alors des biens des Barons Normands qui s'étaient soumis au Roi de France, et il dressa le rôle de ces domaines situés en Angleterre. Il passa sous silence les Iles de la Manche.

Ainsi, deux fois oublié par la France et par l'Angleterre, l'archipel était par la force même des choses considéré comme indépendant. Il ne devait pas tarder à devenir le champ de bataille des revendications des deux Rois.

En 1204, Philippe Auguste entama une négociation avec les habitants des Iles, en vue d'amener leur retour pacifique au Duché de Normandie. Mais ceux-ci [*sic*] réclamèrent la reconnaissance de leurs privilèges, et les Français, en 1205, furent maîtres des Iles. Ils en furent chassés par les Anglais en 1206, et ils les reconquirent en 1212; mais en 1213, ils perdirent Jersey et Guernesey, tout en conservant Serk et le reste de l'archipel.

Ces faits sont attestés par les procès verbaux des plaids "de quo warranto" tenus dans les Iles en 1308⁴. (Londres, 1818, 1 volume in

¹ Recte XI.

² See Annex A 7.

³ See Annex A 8.

⁴ Recte 1309.

folio, édité par W. Illingworth, Deputy Keeper of the records of the Tower, et publié par la Commission des Records).

Les traités de 1259 et de 1360¹ attribuent aux Rois de France et d'Angleterre les îles qui, au moment de la cessation des hostilités, se trouvaient en leur possession. C'est donc de cette question de fait que dépend la question de droit. Or, depuis l'acte de donation de 1203, rien n'a pu faire sortir les Ecrehous du domaine de la France.

L'acte de 1203 est un pur démembrement du fief de Pierre Despréaux ; et ce dernier n'agissait pas au nom du Roi d'Angleterre, lequel au reste revendiquait alors sa qualité de feudataire du Roi de France. Ce n'est qu'à la fin de la guerre que les Souverains Anglais réclamèrent le droit de ne pas rendre hommage aux Rois de France pour celles des îles du Cotentin que les hasards de la lutte avaient laissées en leur possession— C'est ce à quoi s'opposaient le traité d'Abbeville de 1259² et les exemples d'Edouard III en 1360 et de ses prédécesseurs, exemples cités dans une apologie rédigée par les ordres de Charles V.

La donation de Pierre Despréaux a eu pour effet de faire passer les Ecrehous de son domaine dans celui de l'Abbaye de Val Richer ; elle a rompu tout lien antérieur à cette date, qui aurait existé entre cette île et Jersey.

Hermant, (Histoire du Diocèse de Bayeux, manuscrit en 3 volumes de la Bibliothèque de Caen, 2^e volume, p. 204.) donne des exemples de donations faites en 1209 et en 1235 à l'Abbaye de Val Richer au profit de Notre Dame des Ecrehous. Une de ces donations est faite par Simon de Dammartin, Comte, et par sa femme, Aalis, fille du Roi Louys de France.

Louis IX, suivant Hermant, confirma l'Abbaye de Val Richer dans la possession de Notre Dame des Ecrehous.

En 1309, le prieur de cette communauté fut appelé à justifier devant des juges Anglais de ses titres sur les possessions de l'Abbaye dans les îles de la Manche soumises au Roi d'Angleterre³. C'était une mesure générale qui fut appliquée à tous les établissements ecclésiastiques qui se trouvaient dans la situation de l'Abbaye de Val Richer — Et il n'eut à s'expliquer que sur la donation d'un moulin à Jersey, faite en 1203 par Pierre Despréaux ; tant il était reconnu que les Ecrehous ne dépendaient, ni de la Couronne d'Angleterre, ni de l'île de Jersey.

En 1337, Gabriel, Abbé de Val Richer, envoya deux moines pour garder la Chapelle de Notre Dame des Ecrehous⁴ ; et ce, pendant que tous les prêtres et religieux du Continent dans les possessions Anglaises étaient poursuivis et emprisonnés. Il est donc infiniment probable que l'île des Ecrehous n'était pas soumise à l'autorité du Roi d'Angleterre ; car on ne peut guère supposer que l'Abbé Gabriel ait voulu augmenter le nombre des prisonniers du Souverain Anglais.

Toutes les enquêtes "de quo warranto", conservées et publiées, sont muettes sur les Ecrehous, tandis qu'elles se poursuivaient avec la dernière rigueur à l'égard des biens possédés par une maison religieuse du Continent sur une terre Anglaise.

¹ Respectively, of Paris and Calais. See Annexes A 1 and A 2.

² The draft of the Treaty of Paris was prepared at Abbeville.

³ See Annex A 12.

⁴ See paragraph 47.

L'Attorney General cite cependant un fait qui semble conclure en faveur de la thèse du Gouvernement Britannique. "En 1688¹, les Commissaires de la Couronne font mention d'arriérés de redevances dues pour le compte du prieuré d'Ecrehou. Quelques-unes de ces redevances ont été payées aussi récemment qu'en 1785², et probablement se paient encore de nos jours."

Il est vrai que cette mention existe, et non seulement en 1688, mais encore en 1607 et en 1528³. Mais ces redevances étaient payées au prieuré d'Ecrehou en vertu d'une clause de l'acte de donation de Pierre Despréaux, et les habitants de Jersey avaient usé de la faculté qui leur était ouverte de profiter du seul lieu de culte à proximité par suite du séquestre de tous les biens ecclésiastiques dépendant des maisons continentales.

En 1414, la confiscation de ces biens, dits "alienes⁴ priories," devient définitive, et en 1451 elle est réalisée; et c'est par application de cette mesure que la Couronne d'Angleterre s'est approprié les redevances dues à Notre Dame d'Ecrehou par les Jersiais. Toutes les confiscations des biens des abbayes Catholiques Anglaises sont postérieures à 1528.

Hermant dit que les réformés Anglais s'emparèrent du prieuré d'Ecrehou; mais Mariette de la Pagerie, dans sa carte du diocèse de Coutances, dressée en 1689, représente la chapelle comme existante. L'Abbaye de Val Richer posséda encore jusqu'à la Révolution l'île d'Ecrehou, qui avait, suivant Hermant, une lieue de long sur une demi lieue de large à la fin du 17^e siècle. Après 1789, l'île passa dans le domaine public Français, imprescriptible et inaliénable.

Il n'y a donc, dans les faits cités par l'Angleterre pour prouver ses droits sur les Ecrehous, rien qui puisse prouver, même entre particuliers, une possession prescriptive "animo domini."

Examen de la question subsidiaire relative à la fixation, pour l'exercice du droit de pêche français, de la zone commune et de la zone anglaise.

Le 2 Août 1839 est intervenue entre la France et la Grande Bretagne une Convention⁵ pour la délimitation des pêcheries sur les côtes respectives des deux pays.

Le préambule de cet acte diplomatique précise le double but qu'ont poursuivi les Hautes Parties Contractantes. La Convention contient deux ordres de dispositions: les premières sont spéciales à la pêche des huîtres dans la baie du Cotentin; les autres sont générales; elles ont pour effet de déterminer les limites en dedans desquelles le droit général de pêche sur toutes les côtes des deux pays sera exclusivement réservé aux sujets respectifs de la France et de la Grande Bretagne.

La fixation de ces limites résulte des articles 1, 2 et 3 de la Convention, pour la pêche spéciale des huîtres, et de l'Article 9, pour la pêche générale.

¹ Recte 1668. The error is in the (Jersey) Attorney-General's report: see Annex A 36.

² The Attorney-General gives this date as 1735: see Annex A 36. Actually, it should be 1749: see Annex A 19.

³ See paragraph 49.

⁴ Recte alien.

⁵ See Annex A 27.

Comme le point de départ de la zone réservée exclusivement aux marins Anglais tant pour la pêche générale que pour la pêche des huîtres entre Jersey et le Continent est l'objet de la contestation actuellement pendante entre le Gouvernement de la France et celui de la Grande Bretagne, il importe de rappeler le texte de ces articles et d'en préciser le sens.

L'Article 1^{er} s'occupe de déterminer le point de départ de la fraction de mer attribuée exclusivement à la pêche française. Il a ceci de particulier que pour fixer ce point de départ, il ne s'attache pas, comme l'usage est de le faire dans les Conventions de la nature de celle qui nous occupe, à suivre les bornes de la Souveraineté territoriale.

Les négociateurs ont considéré que sur cette côte de temps immémorial rongée par l'océan, il y a un nombre infini de baies, d'anses et de criques, d'îles, d'îlots, de bancs, de rochers et d'écueils, et que, parmi ces rochers, il en est un sur lequel il peut être difficile d'établir les droits des puissances contractantes, et où ces droits peuvent rester litigieux.

Ils ont pensé que si, dans cette baie du Cotentin, on se bornait à déclarer que le point de départ des zones serait la laisse de basse mer à partir des possessions françaises et anglaises, on ne mettrait pas un terme aux contestations existantes, on ouvrirait la voie à une série de nouvelles difficultés. Le but de la Convention serait manqué. Pour échapper à ce danger, ils ont marqué sur la carte un certain nombre de points fixes et immuables qu'ils ont désigné par les lettres de l'alphabet de A à K, ils ont, par les lignes idéales tracées sur les cartes, rejoint ces différents points, et c'est à partir de ces lignes qu'ils ont compté la distance de trois milles — De cette façon ils ont pensé que toute contestation deviendrait impossible, et que le but de la Convention serait atteint.

Ayant à déterminer le point de départ de la zone de trois milles réservée aux pêcheurs Anglais, ils ont procédé de la même façon. Ils ne se sont pas préoccupés de borner la souveraineté Britannique ou de circoncrire les dépendances de Jersey. Ils ont cherché un point indiscutable et pris la laisse de basse mer de l'île de Jersey. Par là ils ont prévenu tout litige. Peu importe donc, au point de vue de la pêche des huîtres, que les Jersiais établissent que tous les rochers jusqu'à la côte du Cotentin sont une dépendance de leur île. Le point de départ de la zone reste immuable ; c'est la zone de la laisse de basse mer de l'île même de Jersey.

Enfin, dans l'article 3, il est stipulé que la pêche des huîtres sera commune aux sujets des deux pays entre les limites désignées aux Articles 1 et 2.

Ainsi, pour la pêche des huîtres, la prétention du Gouvernement Anglais de faire partir la limite de la zone réservée aux pêcheurs Anglais, non plus de l'île de Jersey, mais de l'île d'Ecrehou, est condamnée par le texte comme par l'esprit de la Convention de 1839.

Au point de vue de la pêche générale, la question est réglée par l'article 9 de la Convention. Cet article édicte une mesure d'ordre général, non seulement parce qu'elle s'applique à toute espèce de pêche, mais encore parce qu'elle n'est pas restreinte dans son effet à certaines côtes, mais qu'elle s'étend à tous les rivages de la France et des Iles Britanniques.

Ayant à régler la question pour une étendue aussi considérable, les négociateurs n'ont pas persisté dans le mode de détermination de points et de lignes qu'ils avaient adopté lorsqu'il ne s'agissait que du Cotentin ; ils n'ont pas fait de carte, ils se sont bornés à poser un principe : "Les

“sujets de Sa Majesté le Roi des Français jouiront du droit exclusif de pêche dans le rayon de trois milles à partir de la laisse de basse mer, le long de toute l'étendue des côtes de France, et les sujets de Sa Majesté Britannique jouiront du droit exclusif de pêche le long des côtes des Iles Britanniques.”

Toutefois l'Article 9 ajoute : “Il est entendu que le rayon de trois milles fixant la limite générale du droit exclusif de pêche sur les côtes des deux Pays, sera mesuré, pour les baies dont l'ouverture n'excédera pas dix milles, à partir d'une ligne droite allant d'un cap à l'autre”.

Si l'Article 9 ne contenait que les lignes précitées, aucune zone n'aurait été réservée par la Convention pour l'exercice de la pêche générale, à titre exclusif, en faveur des pêcheurs Jersiais ni des pêcheurs des autres îles que les Français appellent les îles Anglo-Normandes et qui s'appellent en Angleterre les îles du Canal ou les îles de la Manche—

L'Article 9 ne parle en effet que des Iles Britanniques, et les îles Anglo-Normandes ne font pas et n'ont jamais fait partie des Iles Britanniques. Il est invraisemblable que, dans une Convention écrite la carte sous les yeux et où les désignations géographiques sont pesées avec un soin méticuleux, les mots Iles Britanniques aient été employés pour désigner les Iles Anglo-Normandes—

Au surplus, si le Gouvernement Anglais élevait quelque contestation sur ce point, on pourrait lui opposer :

1^o les propositions présentées en son nom par ses représentants dans la Commission Anglo-française pour la revision de la Convention de 1839 sur les pêcheries, Commission qui s'est tenue à Paris en Décembre 1866-Janvier 1867 ; 2^o le langage tenu par ses commissaires.

Dans la séance du 28 Septembre 1866, les représentants du Gouvernement Britannique formulent leurs propositions. La troisième proposition est ainsi conçue : “The more precise definition of the geographical limit over which the regulations shall extend.”

Dans une séance ultérieure, celle du 4 Janvier 1867, M. Cave, membre du Parlement, Vice Président du Board of Trade, explique que les expressions “Iles Britanniques” de l'article 9 de la Convention de 1839 ne comprennent pas les îles de la Manche. Il demande que ces îles soient mentionnées expressément. Les pêcheurs Anglo-Normands avaient effectivement saisi le Parlement de pétitions tendant à ce but. Dans la séance du 24 Janvier, M. Cave revient encore sur cette question, qui paraît tenir beaucoup à cœur au Gouvernement Anglais. Pour satisfaire à ces vœux réitérés, les commissaires français consentent à l'insertion dans la Convention projetée d'un article qui devait être ainsi conçu : “les termes Iles Britanniques et Royaume-Uni employés dans cette Convention comprennent les “îles de Jersey, Guernesey[sic], Alderney, (sic)¹, Sark,” (sic)² [ces noms propres écrits en Anglais prouvent bien que le rédacteur de l'article était Anglais]², “l'île de Man, et leurs dépendances”.

L'auteur de l'article additionnel avait même d'abord, pour plus de précaution, ajouté que “la désignation de pêcheurs britanniques s'applique aux habitants de ces îles.” A cette époque, on le voit, les commissaires Anglais se gardaient bien de parler de l'île d'Ecrehou. Il n'était pas question des prétendus droits de souveraineté que les Rois d'Angle-

¹ “(sic)” in the original MS.

² The square brackets are in the original MS.

terre avaient toujours exercés sur elle. Tout au contraire, les représentants du Gouvernement Britannique protestaient que cet article additionnel ne changerait rien aux limites de la mer territoriale assignées à chacune des deux parties contractantes par les Articles 1, 2 et 3 de la Convention de 1839.

Il serait difficile de concilier les déclarations faites pour obtenir l'insertion de l'article additionnel précité avec les prétentions actuelles du Gouvernement Britannique. Le projet de Convention élaboré en 1867¹ n'a jamais été rendu exécutoire, et les procès-verbaux de la Commission qui l'a préparé n'ont qu'un intérêt historique. Ils n'ont été cités que pour établir que les deux Gouvernements étaient d'accord sur ce point, c'est que les mots "Iles Britanniques" ne s'appliquent pas aux Iles de la Manche.

Les limites de la mer territoriale ne seraient pas établies pour les pêcheurs Jersiais vis à vis des pêcheurs français, si l'Article 9 ne contenait que les dispositions précitées. Mais il renferme en outre, pour les côtes comprises entre le Cap Carteret et la pointe du Manga², une référence à l'Article 1^{er} de la Convention. Il stipule que, sur ces côtes, les trois milles seront comptés, non de la laisse de basse mer du rivage français, mais des lignes idéales tracées sur les cartes dressées en exécution de l'Article 1^{er} de la Convention. Or la référence à l'Article 1^{er} entraîne par voie de conséquence la référence aux Articles 2 et 3, qui en sont le corollaire. En effet, les Articles 1, 2 et 3 forment un tout indivisible, un ensemble applicable aux calculs de la mer territoriale dans la baie du Cotentin, dont on ne peut distraire une partie sans détruire l'économie équitable et rationnelle du système entier.

Ce système est, on se le rappelle, un système de compensation qui a pour but de placer sur un pied d'égalité absolue les pêcheurs des deux nations, de prévenir toute contestation sur les limites respectives de leur souveraineté dans ce coin de l'océan. Dans tous les traités qui sont intervenus entre la France et l'Angleterre, on s'est toujours refusé à faire sur ce point litigieux des côtes Normandes le bornage des possessions réciproques des deux pays, à dresser l'inventaire des revendications qu'ils pouvaient exercer. On s'en est toujours référé à l'état de fait. Si, plusieurs siècles après la guerre de Cent ans, les négociateurs de la Convention de 1839 avaient voulu refaire l'œuvre devant laquelle on avait reculé lors des Traités d'Abbeville³ et de Picquigny⁴, ils auraient réveillés toutes les querelles qu'ils avaient pour mission d'éteindre. S'ils s'étaient contentés de dire que chacune des deux nations rechercherait les limites extrêmes de sa souveraineté et compterait trois milles à partir de ce point pour fixer les termes de la zone réservée à ses nationaux, ils n'auraient rien fait que donner ouverture à mille litiges. Ils ont eu pour but, au contraire, conformément à la mission qui leur était imposée par les deux Gouvernements et qui est rappelée dans la préambule de la Convention de 1839, de mettre un terme définitif à toutes les contestations. A cet effet, ils ont décidé que, pour la pêche générale comme pour la pêche des huîtres, sur ce point de la côte de France, il n'y aurait

¹ See Annex A 28.

² *Menga or Meinga*.

³ *Recite the Treaty of Paris*: see above.

⁴ Between Edward IV of England and Louis XI of France, in 1475: see paragraph 21.

pas à rechercher les limites de la souveraineté à cet endroit ; le point de départ de la zone des trois milles serait déterminé arbitrairement et transactionnellement, il serait fixe et invariable. Ce serait pour l'Angleterre la laisse de basse-mer de l'île de Jersey et les lignes idéales tracées sur la carte jointe à la Convention pour la France. Peu importe donc, en ce qui concerne les droits des pêcheurs Anglais ou Français, que la France établisse sa souveraineté sur le plateau des Ecrehous ou que l'Angleterre y maintienne ses prétentions. Quand même les Ecrehous seraient terre Française, la France ne pourrait pas placer le point de départ des trois milles réservés à partir de la laisse de basse mer de ce banc de rochers. Quand même les revendications de l'Angleterre sur cette ancienne île seraient fondées, elle ne pourrait compter sa zone réservée, des Ecrehous, au lieu de la compter de Jersey. Pas plus que la France, elle ne peut supprimer ni entamer la mer commune que réserve l'Article 3 de la Convention. Autrement, ce serait contrairement à l'esprit de cet acte diplomatique, dire qu'il n'a pas placé les deux nations sur un pied d'égalité ; et qu'après avoir clos l'ère des litiges perpétuels pour la pêche des huîtres, les négociateurs ont voulu les rouvrir pour la pêche générale.

Ce n'est pas ainsi que la Convention a été comprise et pratiquée depuis 1839. Les marins français ont continué à exercer la pêche aux Ecrehous, comme ils le faisaient antérieurement depuis un temps immémorial ; comme ils le font dans tous les autres bancs situés à plus de trois milles de la laisse de basse mer de Jersey, sans que, jusqu'à ces derniers temps, les stationnaires Anglais aient mis aucun obstacle à l'exercice de ce droit ; sans que le Gouvernement Anglais ait fait aucune observation—Or, l'interprétation qui a prévalu pendant une longue période d'années ne peut être modifiée au gré de l'une des deux nations par un simple acte d'autorité de sa part. Dans l'exécution d'un pacte transactionnel l'un des contractants ne peut s'ériger en juge des termes du pacte, et le seul fait par lui d'avoir accepté sans protestation l'exécution du contrat par l'autre partie dans un sens, le rend non-recevable à imposer à son co-contractant une interprétation contraire—.

ANNEX A 43

Dispatch from the Foreign Office to the French Ambassador, 27th October, 1887, rejecting the French Claims, contained in the French Ambassador's Communication of the 15th December, 1886

[Foreign Office Papers, 27/3653]

Draft

M. le Chargé d'Affaires,

F.O. Oct. 27 1887

Count
d'Aubigny

H.M.'s Govt have given their careful attention to the letter ¹ which M. Waddington did me the honour to address to me on the 15th of Dec. last, as well as to the Document ² which accompanied it, namely a voluminous report by a Committee of Specialists appointed by the French

¹ See Annex A 41.

² See Annex A 42. "Paper" struck through, "Document" interlined, in the original MS.

Govt to examine the title of Great Britain to the sovereignty of the Ecrehos Rocks and the extent and limits of British Fishery Rights under the Convention ¹ between the two countries of the 2nd of Aug. 1839.

As regards the first point, I would begin by observing that H.M.'s Govt. were unprepared to learn, especially after the correspondence which has taken place upon the subject, that the French Govt. seriously dispute at the present day the Sovereign Rights of Great Britain over the Ecrehos.

The question was mooted in 1876 in connection with a Treasury Order ² relating to Jersey and its Dependencies, and in reply to a Note ³ of the 27th of Feb. of that year from the Marquis d'Harcourt, at that time French Ambassador at this Court, a Mem: ⁴ was communicated to H.E. establishing beyond any possibility of doubt the title of Great Britain to the Ecrehos. No attempt was then made by the French Govt. to controvert the facts stated in the Mem: nor indeed was any rejoinder made to it.

In 1883 a correspondence arose between the two Govts as to the respective Fishery Rights of the two countries under the Convention of 1839, in the course of which it was argued by the French Govt. that the Ecrehos were in the "intermediate zone" defined by that Convention, and that therefore the right of fishery there was common to the subjects of both countries; but no attempt was made to reopen the territorial question.

That correspondence was apparently closed by a Note ⁵ addressed to M. Waddington by Earl Granville on the 24th of Oct. 1883, which in the opinion of H.M.'s Govt. entirely disposed of the French claims to a right of common Fishery at the Ecrehos.

At the close of that Note, to which no answer was returned, Earl Granville expressed himself as follows:—

"As regards the right of general fishery within three miles of the "Ecrehos, H.M.'s Govt. consider that the terms of Art: IX of the Convention of 1839 and of the Fishery Regulations above referred to, admit "of no doubt as to its being reserved exclusively to British subjects. The "claim of French Fishermen to participate in it appears to put in question "the Sovereignty of Great Britain over those Islets, and I trust therefore, "M. l'Ambassadeur, that your Govt. will appreciate the difficulty felt by "H.M.'s Govt. in making any concession on this point consistently with "the territorial rights of this country."

But it would appear from the Public Press that on the 26th of March 1884⁶, the French Minister for Foreign Affairs addressed a Despatch⁷ to the French Minister of Marine on the Fishery Question, in which the following passage occurred: "Quant à la Pêche générale, les limites en "sont réglées par l'Art: IX de la même Convention, d'après laquelle les "Pecheurs[sic] Britanniques ont un droit exclusif, dans le rayon de 3 milles "de la laisse de basse mer, le long de toute l'étendue des côtes des Iles "Anglaises, et vous savez que le Gouv: Anglais n'a cessé de revendiquer "les Ecrehos comme une dépendance de ces Iles. Dans l'état de la ques-

¹ See Annex A 27.

² See Annex A 30.

³ See Annex A 31.

⁴ See Annexes A 32 and A 33.

⁵ See Annex A 40.

⁶ See Annex A 44.

⁷ See Annex A 46.

"tion, et pour prévenir tout conflit, vous jugerez sans doute utile d'interdire l'accès des Ecréhos à nos pêcheurs[sic], en les prévenant des risques auxquels ils s'exposeraient s'ils ne tenaient pas compte de cette "défense" :—and that on the same day the following letter was addressed "by the French Minister of Marine to the Prefet[sic] Maritime at Brest :— "J'ai l'honneur de vous remettre ci-joint copie d'une lettre que M. le "Président[sic] du Conseil, Ministre des Affaires Etrangères, m'a adressée "le 26 de ce mois, relativement à l'exercice de la Pêche autour des Ecréhos. M. le Président du Conseil pense que la Convention du 2 Aout "1839, autorise nos nationaux à pratiquer la pêche des huitres[sic] près "des Ecréhos, mais que la revendication de propriété[sic] de ces roches "formée par l'Angleterre, ne permet pas à nos marins d'y exercer d'autre "genre de pêche, à moins qu'ils ne se tiennent à la distance de 3 milles "des dits rochers. Il convient par suite, conformément au désir exprimé "par le Ministre des Affaires Etrangères, de prévenir nos nationaux des "risques auxquels ils s'exposent en pêchant du poisson ou des crustacés "près des Ecréhos."

It is therefore, M. le Chargé d'Affaires, with no little surprise that H.M.'s Govt now learn from the Report of the "Committee of Specialists" that the Sovereignty of Great Britain over the Ecréhos is again brought into question on geological, geographical and historical grounds.

H.M.'s Govt are not disposed to follow the Committee of Specialists into their researches on these points. They have given to their Report the respectful examination which a document emanating from such a quarter deserves, and if they feel justified in discussing the question of Sovereignty, they would be able to shew that the Report is based on numerous errors and misapprehensions, as regards the historical part of it, and that as regards the other arguments derived from geological and geographical considerations, however interesting they may be, they appear to H.M.'s Govt to be of a purely academic nature, and to have absolutely no weight as opposed to the fact of the uninterrupted possession of and the continuous exercise of Sovereign rights over the Ecréhos rocks by Great Britain for centuries.

With respect to that portion of the report which deals with the convention of 1839, I must take exception, in the first place, to the suggestion incidentally introduced that, in the opinion of the framers of that convention, among the islands and rocks in this part of the channel, there was one—and that presumably the Ecréhos—"sur lequel il peut être difficile d'établir les droits des Puissances Contractantes, et où ces droits peuvent rester litigieux."

H.M. Govt are unable to find any warrant whatever for such a supposition.

Accordingly, Earl Granville, in his note to M. Waddington of Oct 24. 1883, after stating that in presence of all the facts H.M.G. did not consider it necessary to discuss the question of the sovereignty of Gt Britain over the Ecrehos, added that the only question which arose was whether, those islets being British territory, French Fishermen are entitled, under the terms of the convention of 1839, to participate either in the oyster fishery or in the general fishery within 3 miles of those islets.

That is the question dealt with by the Committee of specialists in the last part of their report entitled: "Examen de la question subsidiaire

¹ Followed by "the", erased.

relative à la fixation pour l'exercice du droit de pêche français, de la zone commune et de la zone anglaise."

In reply to the arguments of the committee on that question, I have the honour to enclose a memorandum ¹ by the Law Officers of the Crown in Jersey and I have to state that H.M.G. entirely concur in the views expressed in that memorandum, and can only express their regret that after the correspondence that took place in 1876 and 1883, and the issue of the circular of the French Govt of March 26, 1884, quoted above, this question should have been reopened.

[SALISBURY]

ANNEX A 44

Dispatch from the Foreign Office to the British Ambassador in Paris, 2nd March, 1886, requesting a copy of a Letter of the French Foreign Minister to the Minister of Marine, prohibiting the Exercise of French Fishing near the Ecréhous Islets

[*Foreign Office Papers, 27/3653*]

Draft.

Viscount
Lyons

No. 118

F.O.

March 2² 1886

My Lord,

With reference ¹ to Earl Granville's despatch N^o 933 of the 1st November, 1884, I transmit, herewith, to Y. Exc^y copy of a letter from the Lieut Governor of Jersey to the Home Office requesting ² that he may be furnished with copy of a certain letter, said to have been addressed by the French Min^r for For : Aff : to the Min^r of Marine, on the 29th March 1884 ; conveying the decision of the French Govt to prohibit the exercise of the French fishing industry near the Ecréhous Islets.

The substance of the letter in question is given in an article contained in the "Chronique de Jersey" of the 30th Jan^y last, of which a copy accompanies the Gov^r's communication ³.

In "La Gazette Géographique" of the 4th of this month—copy of which is inclosed—Y Exc^y will find (page 94) a letter from the French Min^r of Marine to the French Vice Admiral (whose name is not given), which bears date 28. March 1884, and which is to the effect above described. It would however, appear by this letter that the oyster fishery was declared to be excepted from the prohibition ⁴, as being authorized by the Convention of Aug 2, 1839.

The date of the letter is subsequent to that of Earl Granville's Note to the French Ambass^r of Oct 24./83, terminating the discussion which took place in 1883—, on the subject of the Ecréhous fishery, and this fact is a strong presumption in favour of its authenticity.

¹ See Annex A 47.

² "Febr^y" struck through and "March 2" inserted, in the original MS. The other emendations in this draft are too numerous to be noted individually.

³ Abbreviated "refc^y".

⁴ Abbreviated "reques^t".

⁵ Abbreviated "communⁿ".

⁶ Abbreviated "prohibuⁿ".

It would be useful if an authentic copy of it could be obtained for this Dept. & I have accordingly to request that Y.E. will endeavour to procure one for H.M. Govt, using y^r discretion as to the steps which you may take in the matter.

J[ULIAN] P[AUNCEFOTE]¹

ANNEX A 45

Reply from the British Ambassador in Paris to the Foreign Office, 19th March, 1886, with enclosures of Copies of French Official Documents relating to French Fishing off the Ecréhous Islets

[*Foreign Office Papers, 27/3653*]

No 123

Paris,

My Lord,

March 19, 1886.

I have the honour to acknowledge the receipt of Your Lordship's despatches N^o 118 of the 2nd instant, and N^o 152 of the 16th instant, respecting the Ecréhos[sic] Islets.

In the first of these despatches Your Lordship directs me to endeavour to procure for the Foreign Office an authentic copy of a Despatch which is stated to have been written, on the 28th March, 1884, by the French Minister of Marine, to a French Vice Admiral (name not given), and which is mentioned in copies which Your Lordship has been so good as to send me of the "Chronique de Jersey" of the 30th of January last, and of the "Gazette Géographique" published at Paris on the 4th February last.

The Despatch in question, and two other official documents, were published in the Paris newspaper "La Justice" of the 27th January last.

In fact, in consequence of reports which had been spread at Paris that the British Government was erecting a Fort on the Ecréhos, the "Justice" appears to have despatched a correspondent, Monsieur Sutter Laumann, to the spot to ascertain the state of the case. Three letters from this correspondent have been successively published in the Paper.

The first, which was written before Monsieur Laumann had actually been on the Ecréhos, gives an account of the indifference with which the matter appeared to be looked upon at Cherbourg.

The second, written after a visit to the Islets, states that there are no fortifications whatever upon them; but asserts that it would be a matter of great interest to England to get hold of them.

To the third letter are annexed what purport to be copies of three official documents. Respecting these documents Monsieur Laumann makes the following observation:—"Ces maladroites Circulaires sont "presqu'une reconnaissance formelle du gouvernement français des "prétendus droits de l'Angleterre sur les Ecréhous." The general conclusions which the writer draws from his visit to the Islets are that they are of real importance; that it is indispensable that they should "remain" neutral territory, not Jersey territory; and that, if England.

¹ In behalf of Lord Salisbury.

renews her pretentions[*sic*] to them, she must be met with an obstinate refusal.

The three official documents are :

1st. A despatch from the French Foreign Office to the Minister of Marine, dated the 26th March, 1884. The Minister for Foreign Affairs at the time was Monsieur Jules Ferry, and the Minister of Marine, Vice Admiral Peyron. It is to be remarked that this despatch differs a good deal from the version of it given from memory by the author of the letter in the "Chronique de Jersey."

2nd. A despatch from the Minister of Marine to the Vice Admiral, Préfet Maritime at Brest. This is the document quoted in the "Gazette Géographique." It is dated in the "Justice" the 26th March, 1884, but it is probable that the 28th March, 1884, may be the correct date.

3^d. A despatch from the Minister of Marine, probably to the same Vice Admiral, which is dated the 7th April, 1884. It does not appear to relate specially to the Écrehos.

The letters of Monsieur Sutter Laumann are not without a certain interest, and consequently I do myself the honour to inclose copies of them herewith to Your Lordship.

In a fourth Inclosure I transmit the three official documents as they appear in the "Justice."

Monsieur Laumann states in his third letter that he obtained them at a little village from one of the inhabitants, but that he is not at liberty to give the name either of the village or of the inhabitant.

The letter in the "Chronique de Jersey" says that the secret was discovered at Jersey from a Frenchman who is in possession of very interesting papers.

I have very little hope of being able to obtain more authentic copies. Indeed authentic copies could hardly be obtained otherwise than from the French Government, and an application for them to that Government would be inexpedient and would be almost certainly unsuccessful.

The present state of the question between the two Governments seems to be as follows :—

On the 25th October, 1883¹, a note was addressed to the French Ambassador in London, placing the question of the British Sovereignty over the Écrehos beyond discussion, and stating that, as the claim of French fishermen to participate in the fishery within three miles of the Islets would appear to put in question the sovereignty of Great Britain over them, Lord Granville trusted that the French Government would appreciate the difficulty felt by Her Majesty's Government in making any concession on this point consistently with the territorial rights of Great Britain.

To this note no answer appears to have been hitherto made by the French Government, and, this being the case, they must be presumed to acquiesce in its conclusions.

It is true that it is stated in the "Gazette Géographique" that important negotiations are about to be entered into with England, and that the subject is to be referred to a Commission of Jurisconsults : but it certainly does not, as matters stand, seem right or politic for the British Government to raise the question.

¹ See Annex A 40.

There do not appear to have been any very recent proceedings on the spot which render it necessary to do so ; and I should doubt its being expedient that the documents herein inclosed should, in the present state of affairs, be referred to either by the local government of Jersey, or by *Her Majesty's Naval Officers*, if they should have occasion to communicate with French officials about the *Écrehous*.

I have the honour to return the copies of the "Chronique de Jersey" and the "Gazette Géographique" which were inclosed for my perusal in your Lordship's Despatch No. 118.

I have the honour to be, with the highest respect,

My Lord,

Your Lordship's
most obedient

humble servant,

LYONS

The
Earl of Rosebery
&c &c &c

ANNEX A 46

Copy of a Letter from the French Ministry for Foreign Affairs to the Minister of Marine, 26th March, 1884, suggesting that, in view of Article 9 of the Fishery Convention of 1839, French Fishermen should be instructed to keep away from the *Écrehous*

[*Foreign Office Papers, 27/3653*]

Monsieur l'amiral et cher collègue,

Paris, le 26 mars 1884.

Vous avez bien voulu me communiquer un télégramme par lequel le préfet maritime de Brest, nous avise que les habitants de Portbail et Carteret, ont l'intention de se rendre demain et les jours suivants aux *Ecrehous*, pour y pêcher, et demande s'il ne doit pas s'y opposer, en raison des mesures récemment prises, par le gouvernement anglais, pour occuper ces îles.

Mon département, étudie en ce moment la question internationale soulevée par l'intervention de l'Angleterre aux *Ecrehous*, et je me réserve de vous faire connaître incessamment le résultat de cet examen ; mais il est certain, dans tous les cas, que la prise de possession effectuée par les autorités britanniques, laisse subsister la convention du 2 août 1839¹, d'après laquelle la pêche aux huîtres est commune aux sujets des deux pays dans les parages où se trouvent les rochers des *Ecrehous*. Rien ne s'oppose dès lors, à ce que les habitants de Port-Bail et Carteret, s'y rendent pour s'y livrer exclusivement à ce genre de pêche.

Quant à la pêche générale, les limites en sont réglées par l'article 9 de la même convention, d'après laquelle les pêcheurs britanniques ont un droit exclusif, dans le rayon de trois milles de la lise [*sic*] de basse mer, le long de toute l'étendue des côtes des îles anglaises, et vous savez, que le gouvernement anglais n'a cessé de revendiquer les *Ecrehous* comme une dépendance de ces îles. Dans l'état de la question, et pour prévenir

¹ See Annex A 27.

tout conflit, vous jugerez sans doute utile d'interdire l'accès des Ecrehous à nos pêcheurs, en les prévenant des risques auxquels ils s'exposeraient s'ils ne tenaient pas compte de cette défense.

Pour le ministre, et par autorisation, le
conseiller d'État directeur.

Signé : BILLOT.

Letter from the Minister of Marine to the Préfet Maritime of Brest, 26th March 1884, instructing him, in view of the Fishery Convention of 1839, and the British Claim to the Sovereignty of the Islets, that French Fishermen should be warned about fishing the Ecrehous Islets

[*Foreign Office Papers, 27/3653*]

Dépêche ministérielle

Paris, le 26 mars 1884.

Monsieur le vice-amiral, j'ai l'honneur de vous remettre ci-joint copie d'une lettre que M. le président du conseil, ministre des affaires étrangères, m'a adressée le 26 de ce mois, relativement à l'exercice de la pêche autour des Ecrehous.

M. le président du conseil pense que la convention du 2 août 1839¹, autorise nos nationaux à pratiquer la pêche des huîtres, près des Ecrehous, mais que la revendication de propriété de ces roches, formée par l'Angleterre, ne permet pas à nos marins d'y exercer d'autre genre de pêche, à moins qu'ils ne se tiennent à la distance de trois milles desdits rochers.

Il convient par suite, conformément au désir exprimé par le ministre des affaires étrangères, de prévenir nos nationaux, des risques auxquels ils s'exposent en pêchant du poisson ou des crustacés, près des Ecrehous.

Recevez, etc.,

Le ministre de la marine,

Signé : PEYRON.

Second Letter from the Minister of Marine to the Préfet Maritime of Brest, 7th April, 1884, on the same Subject

[*Foreign Office Papers, 27/3653*]

Dépêche ministérielle.

Monsieur le vice-amiral,

Paris, le 7 avril 1884.

J'ai l'honneur de vous informer qu'il a été décidé, de concert avec le gouvernement anglais, que la pêche des huîtres dans la mer commune sera continuée, cette année, comme les années précédentes, jusqu'au 15 juin.

Dans la crainte que cette faculté ne donne lieu à l'exploitation clandestine, par les bateaux de Granville et de Cancale, des bancs situés dans la mer territoriale, la dite faculté ne sera pas applicable à ces bateaux, pour lesquels la pêche des huîtres reste interdite à partir du 1^{er} mai.

¹ See Annex A 27.

Il conviendra, par suite, de prévenir les pêcheurs de Cartéret, afin qu'ils s'abstiennent d'aller draguer dans les environs de ces ports.

Je vous prie de donner à qui de droit des instructions en conséquence et de notifier la mesure dont il s'agit à M. le commandant de la station de la Manche et de la mer du Nord.

Recevez, etc.

Le ministre de la marine,

Signé : PEYRON.

ANNEX A 47

The Opinion of the Jersey Law Officers, 21st April, 1887, on the Report of the French Committee of Experts, submitted with the French Ambassador's Dispatch of the 15th December, 1886

[*Foreign Office Confidential Print No. 5172 (1888), pp. 20-7*]

Jersey, April 21, 1887.

Sir,

WE have the honour to return herewith a confidential letter from the Home Office with its inclosures from the Foreign Office on the subject of the sovereignty of the Ecréhos Islets, and the rights of the oyster and general fisheries around them; also other printed correspondence furnished confidentially by the Secretary of State, and in compliance with your Excellency's request, we have the honour to report:—

That we have attentively studied the entire correspondence submitted to us by your Excellency together with the Report inclosed in M. Waddington's letter to the Earl of Iddesleigh, and we now place before your Excellency the results at which we have arrived.

The Committee of Specialists mentioned in M. Waddington's letter to Lord Iddesleigh have taken a considerable time to prepare their report¹, and their conclusions have been the result, to use M. Waddington's words, of long and conscientious work; but we cannot discover that this Committee have succeeded in establishing any fact bearing directly on the question under discussion, which has not been already dealt with in some part of the previous correspondence relative to the Ecréhos; nor have they successfully controverted the arguments advanced in Lord Granville's despatch of August 1883². The Report of the French Committee contains indeed some entirely new assertions, several of which do not appear to have any logical connection with the two main points of the Committee's contention, which are:—

1. The Sovereignty of France over the Ecréhos.
2. The rights of French Fishermen in the waters immediately surrounding those islets.

Other assertions are contained in the French Report which might have an important bearing on these questions, if they were based on documentary or other conclusive evidence; but being in some cases opposed to

¹ See Annex A 42.

² *Recte* October, 1883. See Annex A 40.

existing historical proofs, such assertions cannot be regarded as carrying any weight.

The statement contained in the French Report that the Ecréhos have belonged to France since 1203 is, we believe, now made for the first time since the Norman Conquest, and we notice that M. Waddington anticipates an unfavourable decision on this point, by suggesting that even if this claim of sovereignty were not established, the French fishermen ought to be allowed to exercise their industry in the waters round the Ecréhos.

We must here take exception to the suggestion, incidentally introduced in the latter part of the French Report, that in the opinion of the framers of the Convention of 1839¹, among the islands and rocks in this part of the Channel, there was one—and that presumably the Ecréhos—“sur lequel il peut être difficile d'établir les droits des Puissances Contractantes, et où ces droits peuvent rester litigieux.”

In presence of all these facts connected with the Ecréhos, which have been laid before the British and French Governments, it would seem also indispensable, as a starting point, to quote the following passage from Lord Granville's despatch to M. Waddington dated the 24th October, 1883 :—

“Her Majesty's Government therefore do not consider it necessary to discuss the question of the sovereignty of Great Britain over these islets ; and the only question which arises is whether—the Ecréhos being British territory—French fishermen are entitled, under the terms of the Convention of 1839, to participate either in the oyster fishery or in the general fishery, within 3 miles of those islets ?”

The better to review the subject now before us, we propose to follow the Report of the French Committee point by point.

We fail to see that any practical object would be gained by entering into the discussion as to when the Ecréhos were separated from the Continent ; whether by violent convulsion or by a gradual process ; absolutely no historical proof exists for either speculation. The statement that a slight difference in the depth of water between the Ecréhos and France, would cause those islets to be united to the mainland, hardly seems conclusive as against the British contention that, since the Conquest, the Ecréhos have remained in the possession of England. As regards the fact, alleged by the French Committee of Specialists, that the Jersey Cliff line turns its back on the Ecréhos (“la falaise de Jersey tourne le dos aux Ecréhos”), we can only observe that however undeniable this fact may be, it is difficult to see how the argument for the continuity of British possession over the Ecréhos is weakened by it.

The French Report goes on immediately to say that in the fourth century, Jersey, Guernsey, and Alderney are mentioned ; and that the Ecréhos were attached to the Continent, at a period much subsequent to the establishment of Christianity in Gaul. These two statements do not seem to bear closely on the question of British or French sovereignty over the islets since the Norman Conquest, and at the present time. It is difficult to estimate the historical value of the tradition, reproduced by the French Committee of Specialists, to the effect that some unknown ecclesiastical dignitary, in making his pastoral visits, came to Ecréhos, and passed from these by a wooden bridge to Jersey ; all these allegations,

¹ Printed in error as “1389”.

concerning a semi-legendary period, seem to have no bearing on the real questions at issue: Whether, since the Conquest, the Ecréhos have been British territory, and a dependency of Jersey; and whether the evidence proves that the Kings of England have exercised jurisdiction in the Ecréhos, while the Kings of France have never done so?

We now come to the statement made in the French Report, that the first available document concerning the history of the Ecréhos is the grant by which Pierre de Préaux—Bailli du Cotentin—gave, in 1203, the Ecréhos Islets to the Abbey of Val Richer¹, on certain conditions mentioned in the deed of gift. This statement is incomplete and misleading on an important point. The document referred to may be the first which mentions the Ecréhos by name, but in order to ascertain how those islets came into the possession of Pierre de Préaux and by what title he held them, we must refer to the Charter by which King John of England, in 1200, had given to the said Pierre de Préaux the islands of "Gerse, Gernese, and Aurene," and a grant of 60 librates of land, in sterlings, in England; * which grant was confirmed by a Charter given at Angers on the 21st June of the same year². The dependency of the Ecréhos on Jersey is clearly shown by the fact that although King John in his deed of gift to Pierre de Préaux only mentions the three largest of the Cotentin or Channel Islands, Pierre de Préaux, in the grant by which he bestowed the Ecréhos on the Abbey of Val Richer, recites that King John gave him the islands ("insulas mihi dedit").

So entirely were these adjacent rocks considered as necessarily included in the grant of the larger Island of Jersey that Pierre de Préaux's title to the Ecréhos, and the only title he could confer by subinfeudation, in 1203, was derived from this grant of King John's, but the Charter of 1200 contains the following words, which, when the date of the transaction is considered, are very significant: "Volumus quod ipse (Pierre de Préaux) et heredes sui post ipsum predictas insulas et predictam terram habeant et teneant de heredibus nostris per predictum servitium," the three last words referring to the service of a fief of three Knights. The islands therefore, including tacitly the Ecréhos, were to be held by a Norman Knight, of King John and his successors, by a stated feudal service; and no portions of these islands were held by Pierre de Préaux or could be held by anyone deriving title through him, except subject to these conditions. The islands, moreover, were held by Pierre de Préaux on precisely the same terms as the 60 librates of land, in sterlings, in England, granted to him by King John at the same time, and by the same Charter. M. Dupont, the French antiquarian and author of the well-known "Histoire du Cotentin et de ses Iles," designates this Charter of King John as a "Donation des Iles du Cotentin par Jean-Sans-Terre à Pierre de Préaux" (pièces justificatives, "Hist. du Cotentin," p. 489), and recognizes that the Ecréhos islets were included in King John's Charter of 1200.

M. de Gerville, * the well-known French antiquarian, speaking of a

* Rot. Chart in Turré[sic], London, Duffus Hardy, T. I, Part I, p. 33; also in Appendix to vol. i, "Cotentin et ses Iles": Dupont. [See Annex A 8].

* "Documents inédits du moyen âge relatifs aux Iles du Cotentin: Valognes, 1848. Recherches sur les Iles du Cotentin: Valognes, 1846, par C. de Gerville, Correspondant de l'Institut."

¹ See Annex A 7.

² See Annex A 9.

grant of one-half of the Island of Guernsey made by Duke Robert to the Abbey of Mont-Saint-Michel, and a gift by William the Conqueror to the Abbey of Marmontier[*sic*] of the other half of the same island and other similar grants to ecclesiastical foundations with regard to Lehou[*sic*], Jethou, Herm, Alderney, and Serk, lays stress on the fact that such grants only conveyed ecclesiastical, as contrasted with temporal, rights ("que ces donations ne regardent que la partie ecclésiastique de l'île ; la seigneurie temporelle ou ses diverses branches, appartiennent à un autre ordre de choses)."

Moreover, M. de Gerville, writing in 1846, after studying the history of the Cotentin for forty years and living near Portbail within sight of Jersey, is clearly of opinion that the Ecréhos form a part of the British Channel Islands.

The next sentence in the Report is markedly inaccurate: "Pierre de Préaux était du reste Français." It is quite true that this claim is a necessary link in the French argument, but the evidence is wholly against it.

M. Dupont says ("Histoire du Cotentin et de ses Iles," vol. i, p. 424): "La famille de Préaux était une des plus considérables de la Haute-Normandie; elle remontait à l'origine même de l'établissement des Normands." M. Dupont goes on to cite various services rendered by the de Préaux family to the Anglo-Norman Kings from the time of the Conquest to the date of King John's donation in 1200, and it must be remembered that it was King John who had nominated Pierre de Préaux "Bailli du Cotentin et Gardien des Iles."

These facts show how entirely inaccurate it is from an historical point of view to apply the term French, as opposed to Norman, to Pierre de Préaux or to his family. The grant by King John in 1200 was made by the "de jure" and "de facto" Ruler of Normandy to his Norman subject, who was to hold the lands so granted by feudal service to the Kings of England and his successors. The statement, made in the Report, that, later on, Pierre de Préaux renounced his allegiance to the English King and became the subject of Philip Augustus, after the cession of Normandy, can in no way change the feudal or equitable aspect of what took place between King John in 1200 while John was Ruler of Normandy.

In the same sentence where they allege that Pierre de Préaux was a Frenchman, the French Committee affirm, "qu'il ne soutint que momentanément la cause de Jean-Sans-Terre."

We quote this passage, not because we attach much importance to the argument, but as affording an example of the historical inaccuracy which appears to pervade the entire Report.

In 1204 this Norman Baron, "Bailli du Cotentin et Gardien des Iles," by the nomination of the English King, signed a thirty days' truce with Philip Augustus, who was besieging Rouen.

Eventually, Pierre de Préaux acknowledged the suzerainty of the King of France over his continental possessions by delivering "un aveu de ses fiefs," but in this "aveu" were not included the "Iles du Cotentin." †

In 1206 we find Pierre de Préaux returning to his allegiance to King John from whom he had received letters patent promising to reinstate him in his English hands [*sic*: *recte* lands] and to grant him certain privileges in the islands. ‡

† "Histoire du Cotentin": Dupont, vol. i, p. 456.

‡ "Stapleton", p. 231, T. 2.

The converse of the proposition made by the French Specialists would, therefore, be the correct one, namely, that Pierre de Préaux "ne soutint que momentanément la cause de Philippe Auguste."

The Report then goes on to infer that, after variously belonging to the English and French during the years from 1205 to 1213, the Ecréhos, at the latter date, became finally French, together with Serk and the rest of the Archipel, Jersey and Guernsey only being left in the hands of the English; but this assertion, apart from all historical proof to the contrary, must appear incredible to any one acquainted with the relative positions of Jersey and the Ecréhos, as these outlying islets, from their close proximity to Jersey, form a group necessarily dependent on the larger island. It may, therefore, safely be stated that the Ecréhos could not have remained in the possession of France, Jersey, admittedly, being at that date English territory.

We shall hereafter refer to subsequent vicissitudes in the ownership of these islands.*

The French Committee admit that by the Treaty of Brétigny 1360 (Article VI) † the Kings of England and France were to retain possession of all the islands they then held; but, the Committee argue, since the donation of the Ecréhos to the Abbey of Val Richer, in 1203, these islets have always formed part of the territory of France, *ergo*, they were French in 1360.

The Committee base their entire argument on this donation of 1203, the effect of which, they say, was not only to alienate these islets from the possession of Pierre de Préaux, but also, and this is important, to sever finally any link which may have previously existed between the Ecréhos and Jersey.

We will not dwell on the remarkable fact that if the sovereignty of France over Ecréhos has been so clear since 1203, the claim has never, so far as we know, been advanced till November 1886, and that in all the correspondence on the subject of the Ecréhos in 1883 no such claim was made by the French Government. We desire to call your Excellency's attention to what took place in 1309, when the Justices in Eyre came to Jersey for the holding of the "placita de quo warranto," † and we desire to examine whether the facts prove or disprove the assertion which the French Committee admit to be so essential to their position, *viz.*: that from 1203 all previous connection between Jersey and the Ecréhos was severed.

In stating what took place between the English Justices Itinerant, we find a serious error in the Report of the French Specialists. They say that the Prior of the Ecréhos only appeared before the Justices to answer for the possession of a mill in Jersey (in St. Saviour's parish) given by Pierre de Préaux. Consequently, say the Committee, it is clear the Ecréhos were not a dependency of either the English Crown or of Jersey. Both the premises and the conclusion are singularly inaccurate.

After inspection of the original document containing the pleading of the Prior before the Justices (of which document we possess a verified copy from the Record Office) we find that the Prior was called on to answer not only for the mill, but also for the advowson of the Priory, and also to show by what warrant he received an annual sum of 10 sols

* 1360, 34 Ed. iii, Rymer's "Froedera." [sic].

† See Annex A 2.

† 1309, 2 Ed. ii, "Misc Tower Rolls," No. 41.

[*vêcte* 20] from the Receiver in Jersey out of the King's revenue. [No allusion to this occurs in the Report.]

The Prior, who appears as Procurator and Attorney of the Abbot of Val Richer, pleads the isolated and dangerous position of the Ecréhos, and the fact that he, his companion, and their servant inhabit the chapel there all the year round, in order to keep a light ever burning to warn the passing sailors of the dangers of the rocks which lie near; that he has no means of support except the mill and the yearly rent of 20 sols which his predecessors have held from time immemorial in the same manner as he then held it.

Two facts are here clearly shown which are incompatible with any theory but that of English sovereignty over the Ecréhos at this date (1309):—

1. That the Abbot was called on to answer for the advowson of the Priory of Ecréhos, as well as for the mill in Jersey.
2. That the Prior and his predecessors had always received a grant of 20 sols from the English King's revenue, to enable them to maintain the light on the Ecréhos.

We are quite unable to reconcile these two facts with the two statements contained in the French Report, viz.:—

1. That the Prior had only to answer for the possession of the mill to the Justices in Eyre.
2. That all connection between Jersey and the Ecréhos was severed after, and in consequence of, the grant of the Ecréhos by Pierre de Préaux, in 1203, to the Abbey of Val Richer.

We are therefore equally unable, in presence of such a document, to admit the conclusion of the French Committee, that the Ecréhos were not a dependency of the English Crown, or of Jersey, after 1203.

Further proof can easily be adduced to refute the assertion of the French Committee that the Ecréhos never again were British territory after 1203, and that the French (having, it is alleged, captured the Channel Islands in 1205, lost them in 1206, and reconquered them in 1212) only lost Jersey and Guernsey in 1213, but still retained Serk and the rest of the archipel.

Thus we find in the Rolls of the Public Record Office (printed in a publication of the "Société Jersiaise" of 1879) that by Letters Patent dated the 16th March, 1214, King John orders the prisoners taken in the Island of Serk to be set free from Porchester Castle.

That by Letters Patent of the 8th December of the same year, 1214, King John commands Peter, Bishop of Winchester, to hand over forthwith to the King's beloved and faithful d'Aubigny the Island of Serk ("Insulam de Serk"), with all its appurtenances, "which we have committed to his custody."

That by Letters Patent dated the 13th February, 1218, Henry III announces to his faithful subjects of Jersey, Guernsey, Alderney, and Serk that "it is his intention that his beloved Philip d'Aubigny should cause to be observed among them the Assizes which had been observed in the reigns of Henry, the King's grandfather, Richard, his uncle, and John, his father."

Letters Patent of the fifth year of Henry III, 21st June, reciting that the custody of Jersey, Guernsey, Serk, Alderney, and Herm had been committed to Philip d'Aubigny, son of Raoul, by the King of England.

We would briefly refer to a Charter of King John (9th March, 1216) restoring, under certain contingencies, to Guillaume de Préaux the Islands of Jersey ("Insulas de Jersye"), on condition that he should perform the service appertaining unto the said islands ("predictas insulas").

These various documents prove conclusively that Serk, Alderney, Herm, and the minor islets did not remain in the possession of the French after 1213, but were as much British dominions as Jersey and Guernsey.

Several other Charters exist to the same effect, but we think the above quotations amply suffice to establish the point in discussion.

With regard to the sums of wheat rent mentioned in the "Extentes" of 1607 and 1668¹ as due for the Priory of the Ecréhos, some of which were paid as late as 1785, and are presumably still paid, we note that the French Committee endeavour to minimize the importance of this fact by saying that these rents were paid in virtue of Pierre de Préaux's donation.

There are no words in the deed of gift itself to warrant any such interpretation.

The suppression of the alien priories is adduced as a reason why the sums of "Rentés" due for the Priory of the Ecréhos came into the possession of the Crown.

This may be correct, but it does not affect in any way the opinion we have formed, after carefully studying this whole question, that the Ecréhos have remained, since the loss of the Duchy of Normandy, a British possession.

The statement, at the close of the historical part of the French Report, that the Abbey of Val Richer possessed the Ecréhos until the French Revolution of 1789, and that these islets then became French State property, is opposed to the whole of the historical and documentary evidence no less than to the well-known fact that they were, and have been since, exclusively occupied by Jerseymen.

The facts with regard to this occupancy are sufficiently stated in the previous correspondence.

We therefore trust that your Excellency will consider the foregoing observations as a sufficient review of the various arguments advanced in the Report of the French Committee, and which seem to call for special notice.

The second part of the Report of the French Committee, entitled "Examen de la question subsidiaire relative à la fixation, pour l'exercice du droit de pêche Français, de la zone Commune et de la zone Anglaise," entirely fails, in our opinion, to refute the arguments contained in Lord Granville's despatch of the 24th October, 1883.

Referring to the Chart attached to the Convention of 1839², M. Tissot* has stated that it reproduced, as precisely as possible, the limits of the British and French zones, and notably those of the intermediate zone; but Lord Granville pointed out that the only limits delineated on the Chart are those of the French oyster fishery, and that,

¹ See Annex A 19.

² See Annex A 27.

* To Earl Granville, April 25, 1883. [See Annex A 38].

therefore, the question whether the Ecréhos are in the "mer commune" or neutral zone, or within the exclusive British fishery limits, cannot be solved by reference to the Chart, but depends entirely on the construction of the Convention, and further, that as regards the right of general fishery within 3 miles of the Ecréhos, Her Majesty's Government considered that the terms of Article IX of the Convention of 1839, and of the Fishery Regulations, admit of no doubt as to its being reserved exclusively to British subjects, and that the claim of French fishermen to participate in it appears to put in question the sovereignty of Great Britain over these islands.

In our opinion, it is clear that the admission of French fishermen to exercise their industry within the 3-mile limit from low water around the Ecréhos is entirely incompatible with the assertion of British sovereignty over those islets, and with the fact that Article IX of the Convention of 1839 has fixed the limit of British territorial waters, as regards the right of general fishery, at 3 miles from low-water mark, not "from the Island of Jersey," along the whole extent of the coasts of the British Islands."

The French Committee, in reply to Lord Granville's arguments, assert that the framers of the Convention of 1839 found it inexpedient to adopt low-water mark as the starting point of the exclusive fishery zone for both nations, that, with regard to the Bay of Cotentin, to obviate further difficulties certain ideal lines were delineated on the Chart, and that the 3-mile limit was to be reckoned from these lines. From the context of their Report it is evident that this can only refer to the French zone, no other limits appearing on the Chart, but it is with considerable surprise that we note this assertion of the French Committee, amounting, in effect, to a claim by France to exclusive fishery rights over an area extending 3 miles from the ideal lines in question.

Whereas it is unmistakable from the wording of Article I of the Convention of 1839 that these lines form the external limits of the French territorial waters in the Bay of Cotentin.

We can only regard this assertion as indirectly reviving, in effect, the old claim advanced by the French, but surrendered in 1839, to an exclusive right of fishery within 2 leagues of their own coast, along that portion of the shore.

This new contention, namely, that for the French exclusive zone, the 3-mile limit is to be reckoned from the ideal lines marked A to K on the Chart ("à partir de ces lignes"), is in direct opposition, not only to the terms of the Convention itself, but also to Article 4 of the Fishery Regulations agreed to by the British and French Governments in May 1843.

The Report of the French Committee goes on to allege that, on the other hand, with regard to the British exclusive zone, in order to prevent disputes, low-water mark at Jersey had to be adopted as the starting point of the 3-mile limit. The Committee argue that Article III having, in effect, stipulated that the oyster fishery would be common to the subjects of the two countries outside the exclusive limits so formed—it matters not whether the Ecréhos, or other rocks, lying between Jersey and the Cotentin coast, belong to Jersey or not, for that these islets, or rocks (being outside the respective exclusive territorial limits), the said islets must be considered as forming part of the intermediate, or neutral zone, common to the oyster fishermen of the two countries.

While admitting that the text of the Convention of 1839, literally interpreted, may, to some extent, seem to favour the claim of the French fishermen to participate in the oyster fishery within 3 miles of the Ecréhos as lying in the intermediate waters, yet this claim does not appear consistent with the spirit of the Convention, especially when interpreted in the light of Article XXXVIII of the Convention of 1867.

No reason is anywhere adduced to explain why such an exceptional and one-sided concession should have been made to the French as is implied in the privilege claimed by them of fishing for oysters within British territorial waters at the Ecréhos; nor is it explained why a privilege should have been granted to the French with regard to the oyster fishery off the Ecréhos, which was denied to them, by Article IV [*recte* Article IX] of the Convention, with regard to the general fishery in the same locality, and for which no reciprocal advantage was anywhere granted to the British fishermen.

The French Committee next proceed to argue that Article IV [*recte* Article IX] of the Convention, which limits the exclusive right of general fishery to the distance of 3 miles from low-water mark along the whole extent of the coasts of the British Islands, does not apply to the Channel Islands.

Their contention is that the term "British Islands" cannot include what they term "les Iles Anglo-Normandes"; they even base it on the ground that these isles are known in England as "les Iles du Canal ou les Iles de la Manche," and further endeavour to establish their point by a reference to the negotiations of 1867.

In substance, the French case is as follows:

As regards the general fishery, the question is settled by Article IV [*recte* Article IX] of the Convention.

This Article lays down the general principle. It fixes the limits within which the right of general fishery is exclusively reserved to the subjects of each nation respectively at a radius of 3 miles from low-water mark.

This Rule applies along the whole extent of the coasts of the British Islands, but does not extend to the Channel Islands.

Had Article IV [*recte* Article IX] only enacted this general provision, no exclusive zone would have been reserved by the Convention for the exercise of general fishery rights in favour of the fishermen of Jersey and of the other Channel Islands, or, in other words, the limits of the territorial waters would not be defined for the Jersey fishermen relatively to the French.

But Article IV [*recte* Article IX] (argue the French Committee) contains, in addition, as to the Coast between Cape Carteret and Manga Head, a reference to Article I of the Convention, this implying, as a necessary corollary, a further reference to Articles II and III.

These three Articles form an indivisible whole, defining the limits of territorial waters for the entire Bay of Cotentin.

Consequently, as regards Jersey, the general fishery limits are not based on the general rule, affirmed in Article IV [*recte* Article IX], but rest mainly on Articles I, II, and III, and are therefore coextensive[*sic*] with the special oyster fishery limits between Jersey and France.

It therefore follows, the French Committee conclude, that, for general fishery as well as for oyster dredging, the whole of the intermediate space, between the exclusive limits defined by Article I forming a neutral zone common to the fishermen of both countries, the Ecréhos are

necessarily included in it, and, consequently, are open to French fishermen.

Now, if the premises advanced by the French Committee were accepted, namely, that the term "British Islands" used in Article IV [*recte* Article IX] does not apply to the Channel Islands, and that as regards the Channel Islands, their exclusive limits of general fishery are to be sought in the provisions of Articles I, II, and III (which three Articles only define the limits between the one Island of Jersey and the French coast), we should inevitably be drawn to the absurd conclusion that, under the Convention, the other Channel Islands (Guernsey, Alderney, Serk, and their dependencies) do not possess any exclusive fishery rights around their own shores, that the waters immediately surrounding them are therefore neutral and open to the French fishermen, and that the only privilege their inhabitants could claim in the waters adjacent to the Channel Islands would be that of fishing within the 3-mile area, exclusively reserved to British fishermen around Jersey.

It seems unnecessary seriously to discuss a contention which does not appear to us to rest on any serious argument.

We cannot refrain from stating that we are unable in any degree to acquiesce in the view propounded by the French Report that the whole system is "un système de compensation qui a pour but de placer sur un pied d'égalité absolue les pêcheurs des deux nations."

We fail to see any principle of reciprocity in a system which, on the one hand, for all fishing purposes, excludes British fishermen from the Chausey Isles, while, if the claims of the French were conceded, would admit French fishermen to dredge oysters at the Ecréhos; and which, secondly, whilst restricting the British zone within 3 miles from low-water mark, adopts along this portion of the French coast an artificial boundary, which includes in many places a more extended area than the usual 3-mile limit, thus reserving to the French a larger portion of the most valuable fishing-grounds.

The French Committee allege that since 1839 the French have continued to fish at the Ecréhos as they had previously done from time immemorial.

From the context, this statement evidently refers, not only to the oyster but to the general fishery.

We are unable to admit the accuracy of this statement, though, even if true, it goes to support the complaints of the Jersey fishermen to the effect that the French, in open and constant violation of the terms of the Convention, have of late years, not only dredged for oysters, but also exercised the rights of general fishery at the Ecréhos.

We have endeavoured to place all the documentary evidence to which we could obtain access before your Excellency, but we believe that it might be possible to obtain further historical proofs of the British rights of sovereignty over the Ecréhos if search were made in the Archives of Paris and Normandy for documents bearing on the subject.

We would suggest that this task should be intrusted to a Special Committee, whose work it would be to collect, from every available source, all information concerning the Ecréhos and their history, if it be thought necessary to further pursue these investigations.

From various natural causes, fish has never been very abundant around the shores of Jersey itself. From time immemorial, Jersey fishermen have obtained an abundant supply of fish from the Ecréhos and Minquiers, and have made these localities their home during the fishing

season ; and it is an undeniable fact that the French have never possessed any Settlement on either group of islets.

There is much reason to apprehend that the concession to the French of a right of fishery at the Ecréhos would almost inevitably lead to a demand for a similar privilege at the Minquiers, where some years ago the French Government ineffectually attempted to establish a Settlement.

We feel bound, moreover, to express our conviction that to concede to the French fishery rights at the Ecréhos or at the Minquiers would not only deprive the island fishermen of their prescriptive rights over these fishing grounds, but would inevitably lead to a state of feeling which would result in serious conflicts between the fishermen of the two nations—a contingency specially to be deprecated, as, owing to the dangerous nature of these localities and their isolation, ordinary means of supervision would scarcely be practicable.

From local knowledge, we have much reason to believe that the desire to establish a claim over the Ecréhos does not originate so much with the French fishermen as with the French authorities, and springs from political rather than from merely administrative motives.

In concluding our Report, we feel no hesitation in expressing our view that unless the increasing pretensions of the French round these islands are resisted and Treaty rights firmly painted, a source of constant conflict will be left open for the future.

We have, &c.

(Signed) WM. HY. VENABLES VERNON, *Her Majesty's Attorney-General for Jersey.*

A. HILGROVE TURNER¹, *Her Majesty's Solicitor-General for Jersey.*

¹ Printed in error as "PUMER".

ANNEX A 48

Dispatch from the French Ambassador, 26th January, 1888, to the Foreign Office, claiming the Ecréhous Islets as a Dependency of French Territory

[Foreign Office Papers, 27/3654]

*Ambassade de France
en Angleterre.*

Londres le 26 janvier 1888

Monsieur le Marquis,

Les observations contenues dans la Lettre ¹ de Votre Seigneurie du 27 octobre dernier relative à la question des Ecréhous ont été soumises par mes soins à l'examen du Gouvernement de la République qui en a constaté avec regret le caractère déclinatoire. En m'en accusant réception, le Cabinet de Paris me charge de faire remarquer au Foreign-Office que les arguments de fond dont nous nous sommes servis pour établir notre droit n'ont reçu aucune réponse précise. Leur exactitude a été contestée d'une manière générale et sans preuves à l'appui comme s'ils n'avaient qu'un intérêt académique et qu'il n'y eût pas d'utilité pratique à en discuter la portée. Je ne puis donc, pour ce qui concerne la question de fond, que maintenir conformément aux instructions que j'ai reçues, mes précédentes conclusions, non toutefois sans présenter à Votre Seigneurie les observations que me paraissent comporter plusieurs faits qu'Elle a rappelés dans sa Lettre précitée et qui lui semblent de nature à corroborer les revendications du Gouvernement Britannique.

Je n'insisterai pas sur le fait que le memorandum ² remis à l'un de mes prédécesseurs en 1876 est resté longtemps sans réponse. Il me paraît impossible d'en induire de conséquences contraires à notre thèse, et, comme j'ai déjà eu l'honneur de le signaler à Votre Seigneurie, d'y rien voir, que la preuve de la médiocre urgence que la question présentait à nos yeux surtout en ce qui touche la situation de droit des Ecréhous. J'appellerai plus spécialement votre attention sur les dépêches ³ des Ministres des Affaires Etrangères et de la Marine citées dans votre communication et desquelles il résulterait[*sic*] que la question de souveraineté aurait été considérée par nous, à une certaine époque, savoir en 1884, comme virtuellement tranchée en faveur du Gouvernement Anglais. Si Votre Seigneurie veut bien relire ces textes et les examiner avec impartialité, Elle reconnaîtra que l'intention du Gouvernement français n'était que d'empêcher provisoirement "dans l'état[*sic*] de la question" nos pêcheurs de fréquenter les Ecréhous et d'y pêcher des poissons ou des crustacés. Nous tenions, par cette précaution, à écarter toute cause de conflit entre les pêcheurs des deux pays et il ne paraît[*sic*] pas admissible qu'on puisse tirer parti contre nous, à titre définitif, d'une mesure qui n'avait qu'un caractère provisoire et qui prouve précisément l'esprit conciliant dans lequel nous avons toujours entendu suivre ces pourparlers.

¹ See Annex A 43.

² See Annex A 33.

³ See Annex A 46.

Indépendamment de la question de souveraineté, Votre Seigneurie, répondant aux remarques contenues dans ma lettre ¹ du 15 décembre 1886, envisageait la question du droit de pêche dans les parages des Ecrehous, et Elle me faisait savoir que le Gouvernement de la Reine adoptait purement et simplement les conclusions formulées à ce sujet par les conseillers légaux de la Couronne dans l'île de Jersey ². Le document dans lequel ces conclusions étaient formulées a été examiné à Paris avec toute l'attention qu'il comporte ; mais mon Gouvernement a dû reconnaître que les prétentions qui y sont exposées sont absolument inconciliables avec les dispositions du traité ³ du 2 août 1839.

Pour ce qui concerne, en premier lieu, la pêche des huîtres, les eaux comprises entre l'île de Jersey et les rivages de la baie du Cotentin sont divisées par cet acte international en trois parties :

1^o Une zone comprise entre la côte française et une ligne déterminée par un certain nombre de points indiqués sur les cartes annexées au traité, ligne qui part du point A. au feu du cap Menga, pour aboutir au point K à l'ouest du cap Carteret. Cette zone est réservée exclusivement aux pêcheurs français[sic] (Article I).

2^o Une zone comprise entre "la laisse de basse mer de l'île de Jersey" et une ligne tracée à trois milles de la dite laisse. Les sujets Britanniques ont seuls le droit de pêcher les huîtres dans cette seconde zone (Article II).

3^o Un espace compris entre la ligne tracée à 3 milles de la laisse de basse mer de Jersey d'une part et la ligne A.....K d'autre part, laquelle est actuellement rendue visible par une série de bouées. Dans cet espace la pêche des huîtres est "commune aux sujets des deux pays" (Article III). Les Ecrehous s'y trouvant situés, aucun doute ne saurait s'élever sur le droit des Français de s'y livrer à la pêche des huîtres, quelle que soit d'ailleurs la solution donnée au différend relatif à la souveraineté sur ces îlots.

La convention de 1839 s'occupe également, dans son article IX, de la pêche générale sur toutes les côtes de France et d'Angleterre ⁴. Cet article pose en principe que, dans une zone large de 3 milles le long desdites côtes, la pêche sera exclusivement réservée aux ressortissants des deux pays. Toutefois, pour l'espace compris entre les caps Menga et Carteret, il est stipulé que la zone réservée aux pêcheurs français sera limitée par la ligne A.....K déterminée pour la pêche spéciale des huîtres. Cette disposition ne permet de garder aucun doute sur les intentions des négociateurs de la convention de 1839 : ils n'ont pas voulu que, dans la baie du Cotentin, il y eût une différence entre la zone française de la pêche ordinaire et la zone française de la pêche aux huîtres. On ne s'expliquerait pas que ce qui est vrai pour les eaux françaises de la baie ne le fût pas également pour les eaux anglaises voisines. Il en faut donc conclure que, dans l'esprit du traité, la pêche générale est permise dans les mêmes conditions que la pêche des huîtres et que, par conséquent, nos pêcheurs doivent être admis, de même que les pêcheurs anglais, à exercer leur industrie aux Ecrehous.

¹ See Annex A 41.

² See Annex A 47.

³ See Annex A 27.

⁴ The words "sur d'Angleterre" are underlined in the original MS., and a mark of interrogation is set against them in the margin.

Pour me résumer, mon Gouvernement croit devoir maintenir ses précédentes conclusions en ce qui concerne l'objet principal des présents pourparlers c'est-à-dire la nationalité des Ecrehous; il considère ces îlots comme une dépendance du territoire français. Quant à la pêche générale, il nous semble que, même en considérant les Ecrehous comme appartenant à la Couronne d'Angleterre, nos pêcheurs d'après les considérations qui précèdent, tirées des dispositions de la convention de 1839, ont le droit de s'y livrer concurremment avec les pêcheurs anglais. Enfin, pour ce qui concerne plus spécialement la pêche des huîtres, les termes de la convention étant explicites, il ne semble pas qu'il puisse y avoir sur ce dernier point matière à contestation.

En communiquant ces observations à Votre Seigneurie je crois devoir La prier de vouloir bien soumettre toute l'affaire des Ecrehous à un nouvel examen et je Lui serais obligé de m'adresser une réponse dès qu'il Lui sera possible, principalement en ce qui concerne la question des pêcheries dont le règlement présente un intérêt plus immédiat./.

Veillez agréer les assurances de la haute considération avec laquelle j'ai l'honneur d'être

Monsieur le Marquis,
de Votre Seigneurie,
le très-humble et très-
obeissant serviteur.
WADDINGTON

Sa Seigneurie,
le Marquis de Salisbury & &

ANNEX A 49

Reply from the Foreign Office, 3rd February, 1888, to the French Ambassador's Dispatch of the 26th January, 1888

[*Foreign Office Papers, 27/3654*]

Mon^s: l'Ambassadeur,

F.O.

Feb 3. 1888.

Draft.

I have the honour to acknowl: the receipt ¹ of Y E. Note of the 26th ult^o relative to the nationality of the Ecréhous ², & to the right of fishing in the waters immediately ³ surrounding those islets ⁴, & I beg leave to acquaint you that the statements therein contained shall receive the attentive consideration of H.M. Gov^t.

I shall have the honour of addressing a further communication ⁵ to Y E. upon this subject with as little delay as possible.

J[ULIAN] P[AUNCEFOTE] ⁶

Mon^s:
Waddington

¹ Abbreviated "rect" in the original MS.

² Followed by "Islets", which is struck through.

³ Abbreviated "immed^ely".

⁴ "them" struck through, "those islets" interlined.

⁵ Abbreviated "commun^o".

⁶ In behalf of Lord Salisbury.

ANNEX A 50

Petition of 69 Jersey Fishermen to the President of the Board of Trade, 1869, alleging Theft of their Lobster Pots by French Fishermen, and praying Redress of their Grievance

[*Foreign Office Papers, 27/3738*]

Copy.

To the Right Honourable John Bright,
President of the Board of Trade.

The humble petition of the Undersigned Fishermen of the Parishes of Grouville & St Clements in the Island of Jersey,

Sheweth

That your Petitioners repair during the summer months, to the Minquiers, a ridge of small island rocks belonging to the British Government and Situated about half way between Jersey and the coast of France for the purpose of Lobster Fishing.

That at Low tide your Petitioners place their Lobster pots, to which are attached corks[sic] buoys, floating at the surface of the water, at a certain distance from the Shore ;

That at high water fishing boats [from] Granville & Cancale frequent the neighbourhood of the Minquiers ;

That after they have disappeared Your Petitioners often miss many of their Lobster Pots which they have no doubt are taken away by the French Fishermen ;

That the loss of their Lobster Pots and contents so often repeated is extremely prejudicial and entails a severe loss to Your Petitioners who gain their livelihood and that of their families by this mode of Fishing ;

That if a representation were made to the French Government stating these facts which your Petitioners can easily prove, there is no doubt that Some steps would be taken to prevent a recurrence of the Same ;

That Your Petitioners who are but poor Fishermen claim your support and hope that through your influence they will obtain redress of a wrong from which they have so long suffered ;

And your petitioners &c

Signed by 69 Fishermen.

Transmitted to Board of Trade through
Mr Abraham Mourant

Solicitor

5 Royal Square

St. Heliers

Jersey.

ANNEX A 51

Dispatch from the British Embassy in Paris, 12th November, 1869, to the French Foreign Minister, protesting against the Theft by French Fishermen of the Tackle of Jersey Fishermen at the Minquiers Islets

[*Foreign Office Papers, 27/3738*¹]

Copy.

Paris

M. Le Ministre

Nov: 12. 1869.

From information which has been received from the Govr of the Channel Islands H.M. Govt have reason to suppose that some cause of complaint on the part of the Jersey fisherman[sic] has been given by the fishermen from the French Coast who are accused of stealing their Gear. It appears that the Jersey fishermen are in the habit of resorting to a range of Rocks and shallows, called the Rocks and Islands of Minquieres[sic], for the purpose of Lobster fishing, and that after setting their Gear, French fishing Boats come across from the ports of Granville and Cancale and steal it. The inhospitable and Barren Nature of this dependency of the Channel Islands renders it almost uninhabitable, but notwithstanding this, these poor fishermen have long had huts built upon it for purposes of shelter when unable to return home, and they now complain that their hard earned livelihood is seriously affected by these depredations on the part of the French Fishermen, who thus profit by the labour of their Neighbours.

Under these circumstances H.M. Govt have instructed me to bring the circumstances of the Case to the Notice of the French Govt, and to express the hope that they will cause such directions to be issued as may appear best calculated to remove the grievance complained of by these poor fishermen.

I have &—

(Sd.) L. S. WEST

P[rince]. [de] La T[our]. d'Auvergne
&c—&c—&c—

¹ A first draft exists also in Foreign Office Papers, 1426. In the fair copy, printed above, the first sentence ("From Gear") and the concluding paragraph ("Under fishermen") are struck through in pencil, while the words "dependency of the Channel Islands" have been underlined and have the word "stet" written against them in the margin.

ANNEX A 52

Reply from the French Foreign Minister, 11th March, 1870, to the British Embassy's Note of the 12th November, 1869, alleging Theft of Jersey Fishermen's Gear by French Fishermen at the Minquiers Islets

[*Foreign Office Papers, 146/1496*¹]

Paris le 11 Mars 1870.

Monsieur l'Ambassadeur,

Votre Excellence a bien voulu, le 13^e Novembre dernier, entretenir mon prédécesseur des plaintes élevées par des pêcheurs de Jersey contre des pêcheurs de Granville ou de Cancale, qu'ils accusaient de se livrer à des déprédations sur les îles des Minquiers.

Cette affaire avait été immédiatement signalée à l'attention de M. le Ministre de la Marine et des Colonies, qui vient de me faire connaître le résultat de l'enquête qu'il avait prescrite à M. le Chef de la Division navale des côtes des 1^{er} et 2^{ème} arrondissemens Maritimes.

Malgré le soin avec lequel cette enquête a été poursuivie et les moyens d'investigations aussi complets que possible qui ont été employés aucune information de nature à démontrer l'exactitude des déclarations des pêcheurs de Jersey n'a pu être recueillie. M. l'Amiral Rigault de Genouilly fait, d'ailleurs, observer que ces derniers ne se sont pas eux mêmes trouvés en mesure de fournir des renseignemens propres à faire reconnaître que les délinquants seraient des marins de Cancale ou de Granville. Or, il n'a été possible de découvrir chez nos nationaux aucun indice de culpabilité, ni de trouver en leur possession aucun engin de pêche étranger. Il est, en outre, difficile d'admettre que si nos pêcheurs avaient réellement commis les déprédations qu'on leur impute, ils eussent pu les laisser ignorer à nos patrons d'embarcations garde pêche, qui sont constamment en contact avec eux.

M le Ministre de la Marine et des Colonies ajoute que, bien que ce manque absolu de preuves tende à établir que l'accusation formulée contre nos pêcheurs n'est pas fondée, il n'en a pas moins cru devoir leur faire adresser des avertissemens qui préviendraient, au besoin, le renouvellement des déprédations dont se sont plaints les pêcheurs de Jersey.

Je ne puis, Monsieur l'Ambassadeur, que communiquer à Votre Excellence cette réponse de M l'Amiral Rigault de Genouilly.

Agrérez les assurances de la très haute considération avec laquelle j'ai l'honneur d'être,

Monsieur l'Ambassadeur
de Votre Excellence
Le très humble et très
obéissant serviteur.
CT DARU

Son Excellence Lord Lyons,
Ambassadeur de Sa Majesté Britannique à Paris.

¹ A copy of this note is in Foreign Office Papers, 27/3738.

² *i.e.*, the date on which the Embassy's Note was received: it had been written the previous day. See Annex A 51.

ANNEX A 53

Dispatch from the French Ambassador to the Foreign Office, 27th August, 1888, drawing attention to a Visit of the Jersey Piers and Harbours Committee to the Minquiers Islets, which he claimed to be French Territory

[*Foreign Office Papers, 27/3738*]

*Ambassade de France
en Angleterre*

Londres le 27 Août 1888

DIRECTION POLITIQUE

Monsieur le Marquis,

Je suis chargé par mon Gouvernement d'appeler votre attention sur une visite faite récemment aux îles Minquiers dans le voisinage de la côte française par le Comité des Ponts et Chaussées¹ de l'île [*sic*] de Jersey. Cette visite ayant eu, d'après le rapport de nos autorités locales, un certain caractère officiel, le Gouvernement de la République estime qu'il aurait dû être averti préalablement de cette exploration d'un groupe d'îlots qui fait incontestablement partie de notre domaine maritime².

Sans entrer dans le détail des raisons montrant le bien fondé de cette observation, qui d'ailleurs n'a jamais été contesté à ma connaissance³, il me suffira de rappeler à Votre Seigneurie que le Gouvernement de la Reine ne peut certainement pas ignorer les travaux exécutés par nous depuis trente ans sur ces récifs. Les Minquiers sont le prolongement du plateau des Chausey et, comme ces dernières îles [*sic*], relève administrativement du service de l'ingénieur du port de Granville. Sans doute nous avons laissé aux pêcheurs de toutes nationalités pleine liberté pour y exercer leur industrie, mais nous n'y avons pas moins fait en tout temps acte de souveraineté dans la limite que comporte la situation de ces rochers stériles.

Ainsi, l'hydrographie de l'archipel a été exécutée par l'ingénieur français Beautemps Beaupré et le balisage et l'éclairage de ces îles est également notre œuvre. Le Gouvernement français a placé dès 1861 un feu flottant près de la pointe sub-ouest du plateau et depuis lors, nous avons pourvu à l'entretien, au personnel et au matériel de ce bateau feu. Plus récemment, en 1883, nous avons mouillé au côté Est une bouée qui a toujours appartenu, comme le feu, au Ministère français des Travaux publics. J'ai à peine besoin d'ajouter que ces actes de souveraineté n'ont provoqué et ne pouvaient provoquer aucune observation de la part du Gouvernement de la Reine ; ils n'ont d'ailleurs point été ignorés de lui car le feu dont il s'agit est porté sur les cartes de l'amirauté anglaise avec indication de sa hauteur et de sa limite de protection.

¹ *Recte* "Havres et Chaussées."

² The words "d'un maritime" are underlined in the original MS. by another hand.

³ The words "qui connaissance" are underlined in the original MS. by another hand.

En envoyant cette année aux Minquiers, avec l'avis "la Chimère" la mission hydrographique chargée de réviser les cartes du littoral Nord de la France et qui a visité en même temps les Roches Douvres, la baie du Mont St Michel etc ... nous n'avons fait que compléter les travaux commencés il y a trente ans. Cependant, s'il en faut croire les indications publiées par certains journaux anglais, ces opérations auraient occasionné l'envoi aux Minquiers de la délégation à laquelle je faisais tout à l'heure allusion.

Je suis convaincu qu'il n'a pu entrer dans la pensée de la Reine d'infirmier par ce moyen les droits immémoriaux et fréquemment exercés de la France sur ces îlots [*sic*]; de telles contestations ne se comprendraient pas alors que, non seulement les Minquiers font géographiquement partie de notre domaine maritime mais que la France, en prenant charge, d'ancienne date et sans provoquer d'observations, de l'hydrographie, de l'éclairage et du balisage des Minquiers, c'est à dire [*sic*] de tous les moyens qui assurent la sécurité de la navigation, a exercé, au vu et au su de tous, dans ces parages des attributions dévolues au pouvoir souverain. Je crois devoir appeler la plus sérieuse attention de Votre Seigneurie sur ces considérations et je suis persuadé qu'Elle voudra bien en reconnaître [*sic*] avec moi le bien fondé-|.

Veillez agréer les assurances de la haute considération avec laquelle j'ai l'honneur d'être,

Sa Seigneurie
le Marquis de Salisbury
&c &c &c

Monsieur le Marquis,
de Votre Seigneurie
le très-humble et très-
obéissant serviteur,
WADDINGTON

ANNEX A 54

Dispatch from the Foreign Office to the French Ambassador, 21st November 1888, repudiating the French Claim, 27th August 1888, to Sovereignty over the Minquiers Islets, and citing Evidence of British Sovereignty

[*Foreign Office Papers, 27/3738*¹]

Foreign Office
November 21 1888

Draft M. Waddington. Monsieur l'Ambassadeur

Her Majestys Government have attentively considered the note² which Your Excellency did me the honour to address to me on the 27th of August last, and in which a claim was put forward on the part of your Government to the right of sovereignty over the Minquiers rocks

That claim was stated to be founded on the following facts:—

1st That the Minquiers are a continuation of the Chaussey [*sic*] "plateau";

2nd That a hydrographical survey of these Rocks was made by French officers about 30 years ago;

¹ The emendations in the original MS. are too numerous to be noted individually.

² See Annex A 53.

3^{rdly} that, in 1861, the French Government placed a floating Lightship (which they have since maintained) at a point south-west of the Minquiers "plateau"; and

4^{thly} that, in 1883, they placed a Buoy (which they have also since maintained) off the south-east coast of these Rocks.

Your Excellency then proceeds to inform me that the French Government consider that these proceedings on their part constitute acts of sovereignty, and that the circumstance that they have never called forth any remonstrance on the part of Her Majesty's Government, whilst the position of the french [*sic*] floating lightship is laid down on the English Admiralty Charts, tends to strengthen their claim.

With regard to the 1st point, I would beg permission to call Your Excellency's attention to the Fishery Conventions ¹ concluded between the two countries on the 2nd August 1839 and the 11th November 1867, and especially to the Maps ² which were annexed to each of them, and upon which a red line was drawn, defining the limits between certain fixed points and the French shore within which the oyster fishery was to be reserved exclusively to french[*sic*] subjects.

On reference to these Maps it will be seen that the Minquiers group, so far from having been marked thereupon as a continuation of the Chaussey[*sic*] group, which unquestionably belongs to France, was distinctly severed from the latter group by a red line which separated the two groups of Islands, and left the Minquiers outside the waters which were reserved exclusively for the use of French Fishermen.

By Art IX of the Convention of August 2, 1839, the subjects of Her Britannic Majesty were declared to have a right to enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark, along the whole extent of the coasts of the "British Islands", the same right being reserved to the French fishermen to exclusive fishery within 3 miles along the whole extent of the coast of France; and by article 37 of the Convention of the 11th November 1867 the same exclusive privileges were granted to British and French fishermen respectively; and it was explained, in the 38th article, that the terms "British Islands" employed in the Convention should include the Islands of Jersey, Guernsey, Alderney, Sark and Man, "with their dependencies", which expression could only have had reference to the dependencies of those Channel Islands, which were expressly mentioned by name in the Treaty, such as the Minquiers.

With regard to the 2nd point, namely the survey of these Islets by a French Naval officer some 30 years ago, I may be permitted to remind Your Excellency that these rocks were first surveyed by a British Naval Officer, Captain Martin White, in 1831 [*recte* 1813] ³, who on the same occasion made a survey of the French coast in the neighbourhood, including the Bay of Saint Malo, so that manifestly no claim to sovereignty could be based merely on this ground.

As regards the 3rd point, namely the placing of a floating Lightship by the French authorities at a point South-West of the Minquiers rocks, and of a Buoy off the South-East Coast, for the security of navigation, such proceedings cannot, in the opinion of Her Majesty's Govern-

¹ See Annexes A 27 and A 28.

² See Annexes B 7 and B 8.

³ See paragraph 169(a) of the *Memorial*.

ment, be cited as proofs of sovereignty over the rocks themselves, for it is not denied that British fishermen, and more particularly Fishermen from the Eastern and Southern coasts of the Island of Jersey, have from time immemorial resorted to the Minquiers Rocks to pursue their avocations, and that they have erected huts on those rocks, in which they have been in the habit of residing during the summer months, without any remonstrance either on the part of the French Government or on that of the French fishermen.

These facts would appear to Her Majesty's Government to be a tacit admission on the part of the French Government that the right of sovereignty over these rocks was clearly British and not French.

H.M. Gov^t have been informed that this Light-ship has recently drifted from its moorings, but that it is the intention of the French Gov^t to replace it in its original position. To such a step HM's Gov^t have no objection to offer, considering the humane object for which the light-ship is placed at that particular spot, namely for the protection of Vessels navigating to and from S^t Malo & other neighbouring Ports of France; but they cannot admit that the placing of such a light-ship a long distance off the Minquiers Rocks can give to the French Gov^t any right of Sovereignty over the Rocks themselves.

I may now be allowed to quote a few historical facts in support of the British Claim to sovereignty over these Islets.

The Treaty of Bretigny¹ A.D. 1360, stipulates (Article VI) that the King of England, Edward III, and his heirs, shall have and shall hold all the islands adjacent to the countries and localities recently named in the Treaty—i.e., the Western Coast of France, "together with all other iles[sic] which he then held ("cum insulas[sic]² quas tenet in præsentî"). This VIth article, which it is believed has never been repealed or modified by any subsequent Treaty between England and France, would naturally include the Minquiers, as is evidenced by the fact of Mr Pigotogier[sic]³, in his "Histoire des îles de la Manche" saying (p. 324), when speaking of the Treaty of Bretigny, "En enseignant cet acte la France détachait les îles du Duché de Normandie".

Le Geyt, also an authority on local questions, in his work on the laws and constitutions of Jersey—written some time between 1692 and 1707—speaking of the fish tithe⁴ due by all Jersey fishermen to the rectors of their respective parishes, gives a list of the dependencies ("enclaves") of Jersey, among which he names the Minquiers, the tithe being due on all fish caught there.

Again in the Minutes of Evidence taken before the Royal Commissioners of 1859, Mr Hugh Godfrey, one of the oldest practitioners in the Royal Court of Jersey, who had attended the Court for forty years, states⁵ that the Jurisdiction of the Royal Court beyond low-water mark is grounded upon immemorial usage. He also says, "It is generally understood that the Islands called the Minquais, the Ecreho's[sic], the Derouilles[sic] Paternosters, are dependencies of Jersey, and therefore

¹ See Annex A 2.

² Lord Salisbury rightly noted this error, in the margin: "surely 'insulis'"; but the quotation does not agree with the parallel Latin text in Rymer, *Fœdera* (Revised Ed.), iii, pt. I, p. 488.

³ *Recte* Pégot-Ogier.

⁴ See Annex A 69.

⁵ See Annex A 69.

that the jurisdiction of the Court extends to these limits" ; and he adds, "I have known cases arising at places within the limits I have described, brought before the Court as Admiralty cases" ; and in answer to a question put to him, as to whether any of those islands were inhabited, or whether the cases cited arose from a merely accidental landing there by fishermen and other persons, Mr Godfrey replied : "Upon the Minquiers and Ecréhos there are several houses which belong to some of the inhabitants of the Island, where they resort to fish and for *vraic*."

In entire accord with this evidence given by Mr Godfrey is that given by Mr Thomas le Breton before the Royal Commissioners appointed to enquire into the Criminal Law in the Channel Islands in 1846. Mr le Breton was asked—"In matters of crime, what is the extent of it ?" (the jurisdiction of the Royal Court), and he replied :—"I should think it extends no further than within the usual jurisdiction of the Islands ?" Being asked, "What do you consider to be the usual jurisdiction of the Island ?" he replied :—"I should think if a crime were committed in the bays or creeks of the island, or upon any small rock or island which had always been considered as forming part of this island, such as the Ecréhos."

Your Excellency states that, so far as you are aware, the French right of sovereignty over these Islets has never before been called in question ; but apart from what has been stated above, I may be permitted to remind Your Excellency that, on the 13¹ November 1869 Mr West, who was then in charge of H.M's Embassy in Paris addressed a Note to the French Minister for Foreign Affairs in which he called attention to the depredations which had been committed by French Fishermen from Granville and Cancale on the Gear of Jersey Fishermen at the Minquiers, and described these Rocks and Islands as being a "dependency of the Channel Islands," and I would further call attention to the fact that the French Minister for Foreign Affairs, in his reply dated 14² March 1870, stated that steps would be taken to prevent the recurrence of such proceedings but did not deny that these Rocks and Islets were British.

Considering, therefore, M. l'Ambassadeur, that these Islets have for the historical & other reasons alluded to above always been considered by H.M's Gov^t as well as by the Inhabitants of Jersey, as belonging to the British Crown ; that the Fathers and Grandfathers of the present Inhabitants of Jersey have actually owned and occupied Houses or Huts on some of the Islets, whilst French Fishermen have never owned or occupied any ; & that this Group of Islands was first surveyed by a British Naval Officer¹ about 75 years ago ; H.M's Gov^t have every confidence that your Government, having the above stated facts brought to their remembrance, will at once admit that the right of Sovereignty of the British Crown over the Minquiers Group of Islets can no longer be considered as open to doubt.

S[ALISBURY]

¹ Written on the 12th November. See Annex A 51.

² *Recte* 11th March. See Annex A 52.

³ Captain Martin White, R.N.

ANNEX A 55

Aide-Mémoire from the French Embassy, 26th November, 1902, protesting against the Flying of the British Flag on the Minquiers Islets

[*Foreign Office Papers, 27/3739*]

AMBASSADE DE FRANCE
À LONDRES.

Au mois d'Août 1897, le Commandant de la Station de Granville avait constaté que le pavillon britannique flottait, de temps à autre, sur une des îles Minquiers.

Aux observations qu'il avait cru devoir adresser, à ce sujet, au Commandant du Stationnaire Anglais, ce dernier avait répondu qu'il ne se trouvait pas en mesure d'interdire aux pêcheurs de Jersey de hisser leur pavillon, les Minquiers faisant partie de la province de Grouville à Jersey.

Au point de vue français, ces îles, au contraire, ont toujours été considérées comme dépendant des Chausey, et par suite, du territoire français.

Le lieutenant de Vaisseau de Saint Clair, alors commandant du stationnaire, reçut donc l'ordre de protester contre l'assertion de son collègue britannique.

Toutefois le Gouvernement de la République décida de ne faire aucune autre démarche à ce sujet, l'incident dont il s'agit ne semblant être le fait que de quelques pêcheurs[sic] isolés.

Or, le 13 novembre dernier, le pavillon britannique a été de nouveau arboré sur la maîtresse[sic] île¹ dans des conditions qui tendraient à témoigner d'une mesure prise sur ordres officiels.

Le lieutenant de Vaisseau, Péan de Ponfilly, se trouvant en tournée, dans ces parages, a remarqué en effet qu'un grand mât était installé à demeure, avec haubans, sur le sommet nord est de l'île, et qu'il paraissait entretenu avec soin.

De plus, au moment où cet officier commençait ses préparatifs pour réappareiller, un pavillon de commerce anglais (enseigne rouge) fut hissé et un salut fut exécuté. L'officier français n'a pas répondu à cette démonstration et a regagné Chausey.

L'Ambassadeur de France croit devoir appeler l'attention du Secrétaire d'Etat pour les Affaires Etrangères sur cette nouvelle manifestation et sur la question que soulèverait une sorte de prise de possession d'un groupe d'îlots[sic] dont la souveraineté n'a jamais été reconnue au Gouvernement Britannique par le Gouvernement Français./.

Londres, ce 26 Novembre 1902

¹ "île" interlined.

ANNEX A 56

Reply of the Foreign Office, 3rd December, 1902, to the French Aide-mémoire of the 26th November, 1902, repeating the Claim of the 21st November, 1888, that the Minquiers Islets were British Territory

[*Foreign Office Papers, 27/3739*]

F.O December 3, 1902.

Y.E.

Draft
M. Cambon

In the Aide Mémoire¹ which Y E was good enough to leave with me on the 26th ulto with regard to the flying of the British flag on one of the Minquiers Group, it is stated that from the French point of view these islands have always been considered as dependencies of the Chau-sey group & consequently of French territory. It is added that the establishment of a flagstaff, which has been observed on these rocks, would imply possession, and that British sovereignty to this group has never been recognised by the French Government.

In reply, I have the honour to point out that a note dealing with the case in question was² addressed by the Marquess of Salisbury³ to M. Waddington⁴ on the 21st of November 1888. To that note⁵ no answer has up to the present time been⁶ received, & I beg leave to state that on the grounds therein set forth, H.M. Gov^t consider these islets to be unquestionably British.

L[ANSDOWNE]

¹ See Annex A 55.

² "point was" substituted for "to call Y.E's attention to the Note which the", in the original MS. For this Note, see Annex A 54.

³ "by the Marquess of Salisbury" interlined.

⁴ Followed by "on this question", which is struck through.

⁵ "To that note" substituted for "to which".

⁶ "has been" substituted for "was ever".

ANNEX A 57

Dispatch from the British Ambassador in Paris, 28th February, 1903,
including Information from *Le Temps* that the French were to Erect a
Lighthouse on the Minquiers Islets

[*Foreign Office Papers*, 27/3740]

No. 113

Paris,
February 28, 1903.

My Lord,

With reference to Your Lordship's Despatch No. 510 of the 24th of December last, I enclose a copy of a Notice which has appeared in the "Temps" newspaper, stating that the French authorities have decided to erect a lighthouse on the Minquiers Rocks.

I have the honour to be with the highest respect,

My Lord,
Your Lordship's most obedient humble Servant,
EDMUND MONSON

The Marquess of Lansdowne K.G.
&c, &c, &c,

MARINE

UN PHARE AUX MINQUIERS.—On annonce que l'administration des ponts et chaussées vient de décider la construction d'un phare sur les Minquiers, ces dangereux récifs coupant la ligne Saint-Malo-Jersey, contre lesquels tant de navires sont venus se heurter. L'année dernière encore ils ont été le théâtre du naufrage de la *Gabrielle*.

La construction de ce phare sera entreprise en 1904.

ANNEX A 58

Dispatch from the Foreign Office, 25th March, 1903, instructing the
British Ambassador in Paris to obtain a Denial of the Report that the
French were building a Lighthouse on the Minquiers Islets

[*Foreign Office Papers*, 27/3740]

F. O.
March 25 1903

Draft

Sir E. Monson
N^o. 123

Sir,

With reference to Your Excy's despatch N^o 113¹ of the 28th ult^o forwarding an extract from the 'Temps' to the effect that the French Authorities have decided to erect a lighthouse on the Minquiers Rocks, I enclose for your confidential² information copy of a letter from the Admiralty on the subject.

¹ See Annex A 57.

² Abbreviated "conf" in the original MS.

In accordance with the suggestion made by the Lords Commssrs I request that Your Excy will inform the French Govt that the attention of H.M.G. has been called to the report, & that while they do not attach credence to it they would be glad to receive an authoritative assurance that no such intention exists ¹ on the part of the French Govt.

L[ANSDOWNE]

ANNEX A 59

Dispatch from the British Ambassador in Paris, 19th April, 1903, enclosing the French Reply of the 17th April, 1903, which denied intention to erect a Lighthouse on the Minquiers Islets

[Foreign Office Papers; 27/3740]

My Lord, Paris, April 19, 1903. No. 200

On the receipt of Your Lordship's Despatch No. 123² of the 25th ultimo, I addressed a Note to the French Minister of Foreign Affairs in the terms of Your Lordship's instructions, stating that His Majesty's Government would be glad to receive an authoritative assurance that no intention existed on the part of the French Government of erecting a lighthouse on the Minquiers Rocks; and I have now the honour to transmit a copy of a Note which I have received from Monsieur Delcassé informing me that no project of this nature exists and that the incorrect rumours to that effect can only have originated from the alterations made in the Chaussey [*sic*] Islands light.

I have the honour to be with the highest respect,

My Lord,

Your Lordship's most obedient humble Servant,

EDMUND MONSON

Tha[*sic*] Marquess of Lansdowne K.G.

&c, &c, &c,

Paris, Copy

M. l'Ambassadeur,

le 17 avril, 1903.

Par une communication en date du 26 mars dernier, V.E. a appelé mon attention sur la nouvelle publiée par le journal "Le Temps" et d'après laquelle le Gouvernement français aurait l'intention d'élever un phare sur les îles Minquiers. Elle me demandait en outre si cette information reposait sur quelque fondement.

De l'enquête que j'ai poursuivie auprès des administrations compétentes, il résulte qu'il n'existe aucun projet de cette nature et que seule la modification du feu des îles Chaussey[*sic*] a pu donner naissance à cette fausse nouvelle.

Agréé &c,

(Sd) Cogorday

Son Excellence

Sir E. Monson G. C. B.

¹ "exists" interlined.

² See Annex A 58.

ANNEX A 60

Minute of the Foreign Office, 20th April, 1903, reporting a Conversation with the French Chargé d'Affaires, on the Hoisting of the British Flag on the Minquiers Islets, and a private Letter, 21st April, 1903, to the Chargé d'Affaires on the Subject

[*Foreign Office Papers, 27/3740*¹]

Foreign Office

Sir T. Sanderson
Minute
20 April 1903.

M. Geoffray called here this afternoon and said that considerable excitement was being raised in the French press by reports that the British flag had been hoisted on the Minquiers Islands.

The French Govt would be glad to be in a position to state that no steps had been or were being taken by us to alter the existing situation.

I said I believed that the British flag had recently been re-hoisted there—This was not however a new departure—we regarded the islets as incontestably British.

He said that M Cambon might possibly have to speak to you on that point—but that what was desirable was to enable the French Govt to say that nothing had been done in the way of a novel assertion of right. I promised to speak to you.

I think the annexed letter might do.

T. H. S[ANDERSON].

April 20. 1903

F. O. April 21 1903.

Draft.
M. Geoffray
Private

My dear Minister

With reference to what you said to me on the subject of the Minquiers Islands Lord Lansdowne desires me to explain that it is part of the duty of the British² gunboat on service in the Channel Islands to pay³ frequent⁴ visits to⁵ these Rocks and hoist the British flag on the signal staff which is erected there.

Lord Lansdowne understands that in the discharge of this duty H.M.S. Albacore, the gunboat now on service in those waters, visited the Rocks on the 22nd instant, hoisted the British flag on the staff and left it flying there. This act is however no fresh assertion of claim but merely a repetition of what is constantly done from time to time.

[*Initialled*] L[ANSDOWNE]

¹ The substance of the two documents printed above was later embodied in a dispatch from the Foreign Office to the British Ambassador in Paris (Sir E. Monson), as No. 168 of the 22nd April, 1903.

² "H.M.S Albacore the" struck through, "the British" interlined, in the original MS.

³ "to pay" interlined.

⁴ Altered from "frequently".

⁵ "to" inserted.

ANNEX A 61

Dispatch from the Foreign Office, 27th April, 1903, to the British Ambassador in Paris, informing him of a Visit of the French Ambassador to the Foreign Office, during which he gave Evidence of French Activities at the Minquiers Islôts

[*Foreign Office Papers, 27/3740*¹]

F. O. Draft.

Sir,

April 27. 1903.

Sir E. Monson.

N^o. 187

The French Amb^l referred today to M. Geoffroy's conversation² with Sir T. Sanderson on the 20th instant as to the Minquiers Rocks, recorded in my Despatch N^o 168 of April 22.

H.E. told me that he understood that a party from a British Man of War had lately landed on one of these & had flown the British flag there. He was instructed to tell me that the French Govt. did not admit that the Minquiers were a British possession. He told me that he had studied the history of the case, & he communicated to me a statement to the following effect as the result of his personal investigations —

An examination of the submarine chart and of the geological formation of the Minquiers seemed to prove that these rocks were at some time or other geographically connected with the French coast, though it was impossible to fix the date of their separation from the mainland.

Moreover though it might be true that the French fishermen had never, like those from Jersey, put up any buildings on the principal island, they nevertheless came, especially those from Cancale, and fixed their lines during the lowest tides on the edge of the plateau, and nobody had ever thought of preventing them.

The French Govt had repeatedly performed acts of proprietorship on these islands. On the 25th of Dec 1865 they established on the Minquiers a floating light moored to the south-west of the plateau, latitude 48° 35' 38" north & longitude 4° 37' 38" west. In 1888 a French Commission for the Hydrographical Survey of these islands, erected on several of them temporary works to facilitate the surveying. These marks were respected & gave rise to no protests. In 1891 the floating light put up in 1865 was replaced,—again through the instrumentality of the Ponts et Chaussées Administration,—by four light-buoys, one moored close to the reef "Le Four", two close to the southern reefs and the fourth about one mile west of the reefs on the North-West.

Finally, it should be remembered that the waters round the Minquiers plateau, with the exception of the north coast, were buoyed by the French. During the operation of placing the buoys the officers of the French "Ponts et Chaussées Administration" had from time to time to erect works on one or other of the islands & these works had always been respected.

On the 12th of October 1838 a mixed anglo-French Commission assembled with the object of delimitating[*sic*] the territorial waters in those regions.

¹ The emendations in the original MS. are too numerous to be noted individually.

² See Annex A 60.

In accordance with the proposals of this Commission a Convention¹ was drawn up on the 2nd of August 1839 between France and Great Britain. This Convention expressly reserved the right of French nationals in the waters outside the territorial zone of Jersey. The rocks which form the plateau of the Minquiers were not therefore considered as a possession of either nation which could give rise to the establishment of a territorial zone of protection.

Article 7 of the Convention stipulated that the right of sheltering in the Chausey Islands be granted to English fishermen in case of accidents or under stress of weather.

There was no analogous provision as regards the anchorages of the Minquiers either in favour of English or of French fishermen, because the Powers evidently considered the islands as situated in the Common Sea.

In consequence of several ship-wrecks about the year 1860, it was considered necessary to light both the Minquiers and the Douvres Rocks situated about 20 miles South of Guernsey, 22 miles west of Jersey, and 16 NNE of the French Islands of Bréhat.

A light-ship was anchored there on the 25 Dec: 1865, as mentioned above, and remained till the 11 Nov. 1891 when it was replaced by a light-buoy. The light-house service had in the last few years considerably increased the number of floating buoys marking the plateau of the Minquiers, for this plateau was surrounded on the west & South Side by a belt of nine buoys of which four were light-buoys and one provided with a whistle.

Up till now this buoying had been exclusively carried out by means of floating apparatus, but the construction of a light-house on the Rock "Le Four" had on several occasions been under consideration and the light-house administration began in the year 1901-1903 to make experiments with the object of ascertaining the possibility of erecting a tower with its foundations below the level of the low tides on the submerged rocks of the Southern Reef. There was no reason why the erection of this tower should arouse any more opposition than did the erection of the light house built in 1869 on the Douvres rocks, or than the establishment of the fixed buoy constructed between 1880 & 1883 on the Bœufs Plateau situated outside the boundary of the Convention of 1839 and connected with the SE point of Jersey by a continuous chain of reefs.—

H.E. summed up by saying that in his personal view the Minquiers really belonged to no one in particular, and he did not see why it shd: not be agreed that they should be so regarded by Gt. Britain & France. If so there might be an understanding that any lights or beacons to be erected on or near the Minquiers should be at the common expense of both Powers.

I promised H.E. that I wd: consider his statement, but added that, as he was aware, we claimed the Minquiers for Great Britain.

L[ANSLOWNE]

¹ See Annex A 27.

ANNEX A 62

Dispatch from the Foreign Office, 13th May, 1903, to the British Ambassador in Paris, reporting the unofficial Suggestion by the French Ambassador that the Minquiers Islets should be Neutral

[*Foreign Office Papers, 27/3740*]

Sir,

F.O.
May 13. 03.

Draft.

Sir E. Monson.
No 214

The French Amb^r to-day recurred to his conversation ¹ with me on the 27th ultimo in regard to the ownership of the Minquiers Rocks, recorded in my Despatch N^o 187 of that date. ² He told me that he had had an opportunity of discussing the subject with M. Delcassé & that he was now authorised to make to me unofficially the suggestion which he had offered as his own namely that Great Britain & France should agree that the Minquiers should be regarded as belonging neither to Gr. Britain nor to France, but that these two Powers should assume responsibility for any expense wh^o it might be necessary to incur in buoying or beaconing the Minquiers.

I told H.E. that I had already mentioned his informal suggestion to the Home Office & the Admiralty, & that I would now make those depart^s ³ aware that the French Govt were prepared to discuss it with us officially.

L[ANSLOWNE]

ANNEX A 63

Aide-Mémoire from the Foreign Office, 23rd June, 1903, handed to the French Ambassador giving Evidence of British Possession of the Minquiers Islets

[*Foreign Office Papers, 27/3740*]

His Majesty's Government have carefully considered the unofficial Memorandum. suggestion made by the French Ambassador on the 13th of May last ⁴ that Great Britain and France should agree to regard the Minquiers as belonging neither to the one country nor to the other, but that the two countries should assume responsibility for any expense which it might be necessary to incur in buoying or beaconing those Islands.

The proposal does not commend itself to His Majesty's Government who are unable to admit that the British rights of ownership over these islets are open to question. The grounds on which the British claim is founded are stated at length in the Marquess of Salisbury's note to Monsieur Waddington of November 21st, 1888 ⁵, and the investigations made by the Jersey Harbours Committee in that year ⁶ produced further

¹ See Annex A 61.

² "recorded date" interlined in the original MS.

³ "them" struck through, "those depart^s" written in the margin.

⁴ See Annex A 62.

⁵ See Annex A 54.

⁶ See Annex A 129.

evidence of continuous and undisputed British possession. There were found to be on the islands nineteen huts, one of which was uninhabited, but the remaining eighteen were inhabited by Jersey fishermen, with the exception of one which had been let by the British proprietor to two Frenchmen employed by their Government in taking observations on the tides and currents in the neighbourhood.

The Committee had learnt that at the commencement of the century ¹ the British Government had quarried on the west side of the "Maitresse Ile" for stone, which was employed for purposes of construction at St. Helier.

There were from sixteen to eighteen boats employed in fishing and manned by about thirty or thirty five men all from Jersey. The fishery produced about £650 in lobsters alone during the months of May, June, 5 July and August, without counting congers and other fish.

It was moreover stated by old fishermen on the Rocks that it was then (in 1888) about sixty years since several French fishermen had come to the islands to compete with the Jersey men, but that in consequence of explanations they had gone away and had not reappeared ².

It is understood that the Lieutenant Governor and also a deputation from the States of Jersey pay periodical visits of inspection to the group.

It has been recently ascertained that the lobster fishery on the Minquiers is at present exclusively carried on by about sixteen Jersey families, who earn a living from the fishing as their predecessors have done in the past.

On the "Maitresse Ile" there are still some twenty huts of which about twelve are habitable. Some of these huts are more than forty years old—the Jersey period of prescription for real property. It is reported that they are from time to time sold from one fisherman to another, and treated as individual property and repaired by their owners.

It will thus be seen that there are proprietary difficulties in the way of neutralizing the Minquiers, and on these and other grounds His Majesty's Government must maintain their claim to sovereignty. They are however prepared to meet the views of the French Government so far as possible in the matter of navigational marks and safeguards.

Foreign Office,
June 23rd, 1903.

¹ See Annexes A 129 and A 132.

² See Annex A 129.

ANNEX A 64

Aide-Mémoire from the French Ambassador, 15th July, 1903, in Reply to the Aide-Mémoire from the Foreign Office of the 23rd June, 1903, suggesting a Solution to the Question of Lighting and Buoying the Minquiers Islets, without prejudice to Sovereignty

[*Foreign Office Papers, 27/3740*]

AMBASSADE DE FRANCE
À LONDRES.

Projet
de
Memorandum.

Dans un projet de memorandum ¹ qui a été remis à S. Ex. M. Cambon par S.S. le Marquis de Lansdowne, le Gouvernement Britannique revendique la souveraineté de l'archipel des Minquiers, en se fondant sur le fait qu'il se trouve dans la maîtresse-île une vingtaine de huttes appartenant à des pêcheurs de Jersey.

D'après les rapports des autorités maritimes françaises, ces huttes ne seraient habitées que temporairement pendant la belle saison et suivant les besoins de la pêche. Il y a lieu d'observer du reste que l'existence de propriétés privées ne saurait préjuger la question de la souveraineté du territoire en litige.

Le Gouvernement Français pourrait de son côté opposer à cet argument les titres que lui donnent les travaux d'éclairage et de balisage qu'il a fait exécuter aux Minquiers à ses frais sans que le Cabinet de Londres ait protesté jusqu'ici contre une œuvre dont l'entreprise et l'entretien pendant nombre d'années ne pouvaient être ignorés des autorités britanniques. Il résulte de ces travaux en faveur de la souveraineté de la France une prescription bien autrement sérieuse que celle qui pourrait résulter des lois locales de Jersey dont il ne semble pas que les dispositions puissent être valablement opposées au Gouvernement Français.

D'ailleurs, ainsi que M. Cambon l'a précédemment indiqué au Marquis de Lansdowne, ce n'est pas par une attribution de la souveraineté des Minquiers que le Gouvernement Français cherche à résoudre les questions actuellement soulevées. Il désirerait seulement, et Lord Lansdowne avait paru précédemment dans les mêmes dispositions, arriver à un arrangement pratique qui permît, sans trancher en faveur de l'un ou l'autre des deux pays la question de souveraineté, de régler amicalement une question qui, malgré le peu d'importance qui s'y attache, pourrait devenir une cause de froissement et d'irritation parmi les populations intéressées./.

15 Juillet 1903.

¹ See Annex A 63.

ANNEX A 65

**Aide-Mémoire from the French Ambassador, 18th December, 1903,
drawing attention to the fact that the British Flag had again been
Hoisted on the Minquiers Islets**

[*Foreign Office Papers, 27/3740*]

AMBASSADE DE FRANCE
À LONDRES.

L'Ambassadeur de France a eu l'occasion, en dernier lieu par un memorandum¹ en date du 15 Juillet dernier d'exposer à Sa Seigneurie le Marquis de Lansdowne les vues du Gouvernement de la République en ce qui concerne la question des iles[sic] Minquiers.

Il ressort des informations parvenues à Paris que le pavillon britannique a depuis quelque temps été de nouveau arboré sur la principale de ces iles[sic].

M. Cambon est chargé de signaler ce fait à Sa Seigneurie le Marquis de Lansdowne en se référant aux diverses communications qu'il a eu l'honneur de lui adresser précédemment sur cette question./.

Albert Gate house,
le 18 Décembre 1903

ANNEX A 66

**Aide-Mémoire of the Foreign Office, 23rd December, 1903, replying to
that of the French Ambassador, 18th December, 1903, and re-asserting
British Sovereignty over the Minquiers Islets**

[*Foreign Office Papers, 27/3740^a*]

Foreign Office
December 23 1903.

Draft
Memo for
M. Cambon-

With reference to the communication made by the French Ambassador on the 18th. instant calling attention to the fact that for some time past the British Flag has been flying on the principal [island] of the Minquiers Islands, the same explanation applies on the present occasion as was given in April last to Monsieur Geoffray³ in reply to a similar enquiry.

The hoisting of the British flag is nothing more than the repetition of a practice which has been always customary, and which His Majesty's Government consider to be justified by their title to the sovereignty of the Islands.

The works of lighting and buoys by the French Authorities, to which the French Ambassador alluded in his Memorandum⁴ of the 15th. July

¹ See Annex A 64.

² The emendations in the original MS. are too numerous to be noted individually.

³ See Annex A 60.

⁴ See Annex A 64.

last, have all been outside the three mile limit of the Minquiers. They do not therefore in any way invalidate the British claim to the group, but on the contrary the fact that they have been placed beyond the territorial limit may fairly be cited as tending to confirm that claim.

L[ANSLOWNE]

ANNEX A 67

Aide-Mémoire from the French Ambassador, 18th January, 1904, on the Subject of the British Claim to Sovereignty over the Minquiers Islets, and drawing attention to the Friction likely to result from the continued Flying of the British Flag there

[*Foreign Office Papers, 27/3740*]

AMBASSADE DE FRANCE
Albert Gate
LONDRES

Comm^d.
Jan. 20.

La Note ¹ du Marquis de Lansdowne en date du 23 Décembre dernier relative aux Iles Minquiers ne fait que renouveler l'affirmation de la souveraineté britannique sur ces îles[*sic*] contre laquelle le Gouvernement français n'a cessé de protester, et qui est formellement contredite par le texte de la convention de 1839 ². L'allégation que les travaux d'éclairage et de balisage exécutés aux Minquiers par les soins du Gouvernement de la République auraient été effectués en dehors de la limite de trois milles semble erronée, ainsi qu'il résulte de la Note ³ remise au Foreign Office le 27 Avril 1903. Serait elle[*sic*] exacte, qu'elle ne saurait infirmer la valeur de l'argument résultant de ces travaux en faveur des droits de la France sur ces rochers. Il est évident, en effet, que les travaux d'éclairage et de balisage ont été faits aux points où ils ont paru le plus utiles pour la navigation, et le fait important à retenir c'est que les seuls travaux exécutés aux Minquiers pour l'usage des navigateurs aient été effectués aux frais du Gouvernement français.

L'ambassadeur de France ne peut, dans ces conditions, que rappeler ses Notes ⁴ précédentes par lesquelles il a affirmé les droits de la France sur les Minquiers et protester contre la présence du drapeau anglais sur l'un de ces rochers, qui a le grave inconvénient de donner un aliment fâcheux aux polémiques des journaux et d'entretenir une cause d'irritation parmi les populations de la côte voisine.

Il exprime de nouveau l'espoir que le Gouvernement britannique sera disposé, en laissant de côté la question de souveraineté, à examiner avec le Gouvernement français les suggestions en vue d'un arrangement des difficultés actuellement soulevées qui étaient contenues dans sa Note ⁵ du 15 Juillet 1903./.

18 Janvier 1904.

¹ See Annex A 66.

² See Annex A 27.

³ See Annex A 61.

⁴ See Annexes A 55, A 64 and A 65.

⁵ See Annex A 64.

ANNEX A 68

**Further Aide-Mémoire from the French Ambassador, 13th July, 1904,
to the Foreign Office, on the Flying of the British Flag at the Minquiers
Islets**M. Cambon
Memo.*[Foreign Office Papers, 27/3740]*AMBASSADE DE FRANCE
À LONDRES.

July 13, 1904.

D'après une communication émanant des Autorités Maritimes françaises, le pavillon Britannique a été hissé le 4 Juillet sur la maîtresse ile des Minquiers et amené le même jour à 8 heures du soir.

L'Ambassadeur de France est chargé de signaler ce fait au Secrétaire d'Etat pour les Affaires Etrangères et de lui rappeler les protestations et les considérations qu'il lui a exposées à plusieurs reprises tant en ce qui concerne la question des Iles Minquiers que la répétition des incidents de pavillon qui produisent une impression si pénible sur les populations françaises.

La conclusion des Arrangements du 8 Avril, les tendances favorables qui se sont manifestées et développées depuis cette époque, paraissent à M. Delcassé fournir un moment opportun pour régler la question des Minquiers et éviter le retour de difficultés irritantes. M. Cambon croit donc devoir rappeler les considérations contenues dans sa note¹ du 18 Janvier dernier à laquelle jusqu'à présent aucune réponse n'a été faite./.

Albert Gate House
13 Juillet 1904

ANNEX A 69

**Aide-Mémoire from the Foreign Office to the French Ambassador,
17th August, 1905, containing Observations on the Ambassador's Aide-
Mémoire of the 18th January and 29th [? 13th] July, 1904, on the
question of British Sovereignty over the Minquiers Islets***[F.O. Confidential Print 9484 (1909), No. 27, pp. 14-17]**Memorandum communicated to the French Ambassador, August 17, 1905.*

THE communications made by the French Ambassador on the 18th January and on the 29th [(?) 13th] July, 1904², on the subject of the Minquiers Islands, have received the attentive consideration of His Majesty's Government, who desire to offer some observations on the arguments advanced in the former of those communications.

It is stated in M. Cambon's Memorandum of the 18th January, 1904, that the British claim to sovereignty over the Minquiers is formally

¹ See Annex A 67.² See Annexes A 67 and A 68.

controverted by the text of the Convention of 1839¹. His Majesty's Government are unable to acquiesce in this contention. The object of this Convention was to define and regulate the limits of the exclusive rights of oyster and other fishery on the coasts of Great Britain and France. A map was attached to the Convention, and it was provided by Article I [*i.e.*, 1] that the lines, drawn from certain fixed points shown on that map, should be acknowledged as defining the limits between which, and the French shore, the oyster fishery should be reserved exclusively to French subjects. On this map the Minquiers group is left outside the red line, whilst the Chaussey[*sic*] group, which belongs to France, is included within it. By Article II [*i.e.*, 2] of the Convention it is stipulated that the oyster fishery within 3 miles of the island of Jersey, calculated from low-water mark, shall be reserved exclusively to British subjects. Article III [*i.e.*, 3] of the Convention provides that the oyster fishery, outside the limits, within which that fishery is exclusively reserved to British and French subjects respectively, should be common to the subjects of both countries. These and the next three Articles of the Convention relate entirely to the oyster fishery, which, so far as His Majesty's Government are aware, has never been practised in the waters of the Minquiers group. But in regard to general fishing rights, Article IX [*i.e.*, 9] of the Convention declares that British subjects shall enjoy the exclusive right of fishery within the distance of 3 miles from low-water mark "along the whole extent of the coast of the British Islands."

No line was drawn on the map attached to the Convention defining the limits of the British Islands, and there is nothing to show that the Minquiers were not included in those limits, while the fact that the group is outside the line marking the French boundaries off the neighbouring coast, serves to prove beyond doubt that France laid no claim to them.

For the purpose of examining the extent of the British rights of sovereignty, the Convention of 1839 and the Supplementary Fisheries Convention concluded between England and France on the 11th November, 1867², must be read together. The preamble of this latter Convention states expressly that it has been concluded after revision of the Convention of 1839 by a Mixed Commission.

Article XXXVIII [*i.e.*, 38] provides that the terms "British Islands" and "United Kingdom" employed in this Convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark and Man, "with their dependencies". The question is thus narrowed down to the point whether the Minquiers are a dependency of Jersey, and were so considered at the time of the conclusion of the Convention. Upon this point His Majesty's Government do not think that there is any reasonable ground for doubt.

Le Geyt, an authority of great repute on local questions, who was Lieutenant Bailiff of Jersey, in his work on the laws and constitutions of Jersey, written between 1692 and 1707, speaking of the fish tithes due by Jersey fishermen to the rectors of their respective parishes, gives a list of the dependencies ("enclaves") of Jersey, among which he names the Minquiers, the tithe being due on all fish caught there.

Evidence of the Minquiers being a dependency of Jersey was also given before the Royal Commissioners in 1859 by Mr. Hugh Godfray, one of the oldest practitioners in the Royal Court of Jersey.

¹ See Annex A 27.

² See Annex A 28.

Extracts from this evidence and from the work of Le Geyt above referred to, are annexed to this Memorandum.

On the other hand, the French Government raised no objection to the claim asserted in the communication addressed to them on the 13th November, 1869¹, by Mr. West, who was then in charge of the British Embassy in Paris, that these islets were a dependency of the Channel Islands. When in a note dated the 27th August, 1888², M. Waddington, then French Ambassador in London, advanced for the first time a claim on the part of France to sovereignty over the group, the arguments urged in support of the British claim in the late Marquess of Salisbury's reply³ of the 21st November following were accepted without reply.

M. Cambon, in his Memorandum of the 18th January last⁴, above referred to, demurs to the statement in the Foreign Office Memorandum of the 23rd December, 1903⁵, that the works of lighting and buoying, alluded to in His Excellency's Memorandum of the 15th of July, 1903⁶, have all been outside the 3-mile limit of the Minquiers, and His Excellency lays stress on the fact that the only works executed at the Minquiers for the use of navigators have been carried out at the expense of the French Government. His Excellency would appear, however, to be under a misapprehension, as, according to the information of His Majesty's Government, no works of any kind have been executed by the French Government at the Minquiers, nor even in the immediate vicinity of the islands. It is known that in order to assist the navigation of vessels to the neighbouring French ports, the French Government, in 1865, placed a floating light, which was replaced in 1891 by light buoys, in the channel to the south-west of the Minquiers, at a distance of somewhat more than 3 miles from the low-water mark of the main rocks, though within a distance of 3 miles from certain appurtenant rocks and shoals visible only at low water. His Majesty's Government have not objected to the establishment of these buoys, being unwilling, unless in case of absolute necessity and in rebuttal of a direct claim of right, to assert British sovereignty in opposition to a work of public utility which *per se* prejudiced in no way British interests. They cannot, however, admit that the placing of such lights, to facilitate the navigation of ships bound to St. Malo, in the deep channel to the southward of the Minquiers, can be held to establish a claim of any sort to the sovereignty of those islets.

There are fifteen huts built on the Maitresse Ile of the Minquiers by Jersey fishermen and inhabited by them. The authorities of Jersey, who have always regarded the group as a dependency of that Island, have from time to time applied small sums out of public funds to improve the accommodation on the Maitresse Ile for the benefit of these Jersey fishermen. No dwelling-house there, in the memory of the oldest living inhabitant, has ever been occupied by a French fisherman, although during the progress of the French Hydrographic Survey of adjacent waters twenty years ago, it is believed that one member of the survey party lived for a time with the Jersey fishermen. The rocks are much frequented by British fishermen, who find them a valuable fishing

¹ See Annex A 51.

² See Annex A 53.

³ See Annex A 54.

⁴ See Annex A 67.

⁵ See Annex A 66.

⁶ See Annex A 64.

ground and locality for cutting seaweed, and under those conditions any uncertainty or contention as to the British claim of sovereignty would entail great risk of serious disputes and collisions occurring between the fishermen of the two countries. His Majesty's Government are, therefore, unable to accept the solution proposed in M. Cambon's communication of the 15th July, 1903.

Animated, however, with the same earnest wish as the French Government to arrive at some satisfactory settlement of the question, His Majesty's Government, while unable to relinquish their claim to sovereignty over the Minquiers, and while they feel bound to maintain the proprietary and fishing rights of the Jersey fishermen on those islets, are prepared to waive the claim which would naturally flow from the provisions of Article XXXVIII [*i.e.*, 38] of the Convention of 1867 to exclusive fishery rights within the 3-mile limit of the group. They would propose, therefore as the most satisfactory arrangement, that the islands should be recognized as British territory, and that British subjects alone should have the right of landing and residing upon them and of fishing within the waters surrounding the outlying rocks, which are uncovered at spring tide, and comprised within the line marked on the accompanying chart, but that the waters outside that line should be open to the fishermen of both countries, in so far as they do not come within the territorial or fishing limits of some other adjacent line of coast.

His Majesty's Government are assured that any lighthouse placed on the rocks themselves would constitute a danger rather than an assistance to navigation. If, however, it should at any time be shown to their satisfaction that such works were needed in the general interest, they would be prepared to undertake them. On the other hand, it seems to them only equitable that floating lights placed in the neighbourhood of the rocks for the purpose of marking the approaches to the French port of St. Malo should be maintained at the expense of the French Government. His Majesty's Government trust that an arrangement on this basis, which is, in fact, no more than the maintenance of the actual *status quo*, may prove acceptable to the Government of the Republic.

Foreign Office, August 17, 1905.

Extracts from "Les Manuscrits de Philippe Le Geyt, Ecuyer, Lieutenant-Bailli de l'Île de Jersey, sur la Constitution, les Lois, et les Usages de cette Ile," (1846-7), cited in the above Aide-Mémoire

POUR LES BÉNÉFICES.

"La dixme du poisson est deüe au bénéfice de la paroisse où le Pasteur fait sa résidence, en quelque place et avec sorte d'applets, comme on dit, que le poisson soit pris à la coste de l'île, et aux enclaves, sçavoir : Roques Doe, Minquais, Chaussé, Ecrého, Erme, Serc, soit par le pescheur ou par gens de sa famille." (i. 86.)

ARTICLE I.

"La dixme du poisson est deüe au bénéfice de la paroisse où le pescheur fait sa résidence, en quelque place eu avec quelque sorte de filets que le

poisson soit pris, à la coste de l'isle ou aux Enclaves, Roquedo, Miquais, Chaussé, Ecreho, Serc, Erme, &c., soit par le pescheur, soit par des domestiques, et se paye au 15e, et il est défendu de faire aucune lotie de poisson, avant que de le signifier en temps au bénéficié, ou à ses commis, à peine de soixante sols d'amende." (iii. 615.)

Extract from the Evidence given by Mr. Hugh Godfray, on the 18th July, 1859, before the Royal Commissioners appointed to inquire into the Civil, Municipal, and Ecclesiastical Laws of the Island of Jersey. (Command No. 2761, p. 66.), also cited in the above Aide-Mémoire

1604. (*Sir J. Awdry.*)—We have been told also that a jurisdiction is exercised here beyond low-water mark ; are you prepared to say whether that exercise of jurisdiction is grounded upon the express words of any Charter or upon immemorial usage ?—The jurisdiction beyond low-water mark is grounded upon immemorial usage. Formerly you could not impress men within 6 miles of the roads of the island. French cows are seizable by the law if brought within 6 miles of the roads.

1605. On any side of the island ?—On any side of the Island ; any of the roads of the island, I should say.

1606. Upon the north as well as upon the south ?—Anywhere—all round. It is generally understood that the islands called the Minquais, the Ecréhos, the Dirouilles, and the Paternosters are dependencies of Jersey, and, therefore, that the jurisdiction of the Court extends to those limits. I have known cases arising at places within the limits I have described brought before the Courts as Admiralty cases.

1607. Are any of those islands inhabited, or did those cases arise from a merely accidental landing there by fishermen or other persons ?—Upon the Minquais and Ecréhos there are several houses which belong to some of the inhabitants of this island, where they resort to fish and for vraic [seaweed].

1608. Is any jurisdiction exercised beyond that limit of 6 miles ?—They extend further ; the Ecréhos are more than 6 miles.

1609. Do you reckon the 6 miles from those islands ?—I should suppose the jurisdiction would extend exactly within the limits fixed by the Convention between the two Governments for the oyster fishery.

ANNEX A 70

Dispatch from the French Embassy to the Foreign Office, 21st October, 1905, acknowledging the Aide-Mémoire from the Foreign Office of the 17th August, 1905

[*Foreign Office Papers*, 27/3740]

*Ambassade de France
en Angleterre.*

Londres le 21 Octobre, 1905

L'Ambassadeur de France a l'honneur d'accuser réception au Secrétaire d'Etat pour les Affaires Etrangères de Sa Note ¹ en date du 17 Août dernier relative aux Iles Minquiers. M. Cambon s'est empressé de transmettre à son Gouvernement qui l'étudiera avec soin, ce document sur le contenu duquel il réserve son appréciation.

Il saisit cette occasion pour renouveler à Lord Lansdowne les assurances de sa haute considération./.

Sa Seigneurie
Le Marquis de Lansdowne,
etc. etc. etc.

ANNEX A 71

Dispatch from the Foreign Office to the British Ambassador in Paris, 29th November, 1905, informing him of Proposal of the French Ambassador in London, that the French Government would consider Surrendering any Claims to the Crozet Islands in-return for Recognition of the Neutrality of the Minquiers Islands

[*Colonial Office Papers*, 323/507]

COPY

No. 768

FOREIGN OFFICE.
November 29 1905.

Sir,

The French Ambassador told me to-day that Your Excellency had expressed to M. Rouvier a desire to know whether the French Government laid claim to the sovereignty of the Crozet Islands, which are situated between South Africa and Australia, in about 46° 30' south latitude.

His Excellency stated that the French Government would not be unwilling to renounce all claim to these islands. They would, however, seem to be entitled to demand as compensation for their compliance some concession, also of a secondary order, in another part of the world.

¹ See Annex A 69.

His Excellency suggested for example that this might form an opportunity for the recognition by His Majesty's Government of the neutrality of the Minquiers Islands.

I am &c
(Signed) LANSDOWNE

His Excellency
The Right Hon-
Sir F. Bertie-G.C.M.G.

ANNEX A 72

Second Dispatch from the Foreign Office to the British Ambassador in Paris, 6th December, 1905, together with an Aide-Mémoire to the French Ambassador in London, stating that the United Kingdom had no Intention of making the Crozet Islands and the Minquiers Islets the Subject of a Transaction

[*Colonial Office Papers, 323/507*]

COPY

Nº 769

FOREIGN OFFICE

Sir,

December 6 1905

I gave the French Ambassador today a memorandum, a copy of which is attached to this despatch, upon the subject of the Crozet Islands. I told His Excellency that as we had no designs upon these islands it was impossible for us to make them the subject of a transaction as part of which we should agree to the neutralization of the Minquiers Islands. We had made certain proposals with regard to the latter which I thought should now be examined on their merits.

I am &c
(Signed) LANSDOWNE.

His Excellency
The Right Hon.
Sir F Bertie. G.C.M.G.

COPY.

Draft memorandum for communication to Monsieur Cambon.

The steps taken by H.M. Ambassador at Paris to ascertain the views of the French Government with regard to the sovereignty of the Crozet Islands appear, from the communication made by the French Ambassador on the 29th ultimo, to have given rise to some misunderstanding. Sir F. Bertie did not mean to convey the idea that, if the French Govt claimed possession of the islands, His Majesty's Government were desirous that those claims should be waived in their favour.

The reason for H.E.'s enquiry was the following :—

In the early part of the current year an application was received from a private individual for a concession, or mining rights, on one of the islands of the group. This drew the attention of H.M. Govt to the fact

that some uncertainty existed as to the sovereign rights over the islands, and it was then decided to address an enquiry to the French Government with the object of ascertaining their views in regard to the ownership of the group which is remotely attached and is described as uninhabited and unexplored.

H.M. Govt had no intention of asking for the abandonment of any French rights or for any arrangements which could be considered as requiring the surrender of an equivalent on their part.

FOREIGN OFFICE.

December 6 1905 [*sic*]

ANNEX A 73

Dispatch from the Foreign Office, 5th March, 1906, to the French Ambassador, reminding him that the Aide-Mémoire of the Foreign Office of the 17th August, 1905, upon the Minquiers Islets, had not been Answered

[*Foreign Office Papers, 371/71*]

March 5. 1906. Dft.

M. Cambon

My dear Ambassador

Y.E. mentioned to me last week that you were still waiting for a reply from this office to a proposal made last autumn for an arrangement which would take the form of a transaction in connection with the Minquiers & Crozet Islands.

On looking up the papers connected with this case I find that Lord Lansdowne gave to Y.E. on the 6th Dec. an explanatory Memorandum in which it was stated that H.M.G. had no designs on the Crozet Islands and did not ask for any arrangements which could be considered as requiring the surrender of an equivalent on their part.

Y.E. has no doubt this mem^m in your possession, but I venture to point out that we are as yet unaware if the French Gov^t are willing to accept the proposal made by H.M.G. in their Mem^m of Aug. 17. 1905.

C.K.

Minutes of the Foreign Office, of the 25th April, 1906, 26th April, 1906, 16th August, 1906, and Letter to the Home Office of the 22nd August, 1906, regarding the Failure of the French Government to reply to the Aide-Mémoire of the 17th August, 1905

Minquiers Rocks

Enquiry as to progress in the matter.

(*Minutes*).

Western Dept.

The question of the sovereignty over the Minquiers Rocks has been complicated by a side-issue, & is now a two-fold one.

1. H.M. Govt : claim the sovereignty, but in Aug : last submitted to the French Govt ;, in a memorandum communicated to M. Cambon, certain proposals involving the retention of British sovereign rights, but according the French certain fishing rights within the territorial waters of the islands.

2. The French have proposed that we should agree to the neutralization of the Minquiers in return for which they would renounce all claims to sovereignty over the Crozet Islands, a small group in the S. Pacific Ocean, which they were under the misapprehension that H.M. Govt : desired to possess. To this proposal we replied, in Dec : last, that H.M.G. had no designs on the Crozet Islands, & could not therefore make them the subject of such a transaction as had been suggested.

The French Govt : have not yet replied to either of these communications. Some weeks ago M. Cambon observed to Sir C. Hardinge that the French Govt : were still awaiting a reply to their proposal in regard to the Crozet Islands. Sir C. Hardinge pointed out to H.E. that it was, on the contrary, we who were awaiting the reply of the French Govt : to our proposals, made last August, in regard to the sovereignty of the Minquiers Rocks.

E.G.L. 25 April, 1906.

Qu : Ask M. Cambon whether we may expect shortly to hear what view his gov^t take of our last proposal.

AC
Ap 26

I will do so privately.

E.G.

EB

Minquiers Rocks.

Foreign Office

The French Ambassador was asked on March 5th 1906 whether the French Govt : agree to the views expressed in H.M.G's Memo. of Aug : 17 1905 communicated in London.

I have written to remind M. Geoffray that we have had no answer.

EB Aug. 16.

Draft.
Home Office.

Sir :—

F.O.
22 August, 1906.

In reply to your letter of the 10th instant (122,443/6) enquiring whether any further correspondence has passed in the matter of the Minquiers Rocks, which have formed the subject of negotiations between H.M.G. and the French Govt. I am directed by Secretary Sir E. Grey to inform you that no reply has as yet been returned to the Memo. on this subject which was communicated to the French Ambassador on the 17th of Aug. 1905.

GRS

ANNEX A 74

Note from the French Ambassador, 11th July, 1929, inquiring about the Nationality of the Minquiers Islets; with a Foreign Office Minute, reporting a Conversation with the Ambassador

[*Foreign Office Registry File, No. W 6799/6799/17*]

Plateau des Minquiers

Quelle est sa nationalité ? Elle ne paraît[*sic*] pas avoir été réglée et le plateau était en général considéré comme mer libre. Le Foreign Office a-t-il un avis ?

The French Ambt left this note about the Minquiers. He had written it in pencil to mark its very unofficial nature.

I said I could only speak from a very vague recollection of something which happened 30 years ago, but I had an impression that the British character of the Minquiers was established beyond dispute by a document of the 11th Century¹.

R. C. L[INDSAY]

July 11

ANNEX A 75

Dispatch from the Foreign Office, 26th July, 1929, protesting against the Granting of a Lease for Building on Maitresse Ile of the Minquiers to M. Le Roux, a French National, by French Officials

[*Foreign Office Registry File, No. W 6967/6799/17*]

No. W 6967/6799/17.

FOREIGN OFFICE, S.W. 1.

July 26th, 1929.

Your Excellency :—

I am informed by the Secretary of State for the Home Department² that a French citizen named Leroux has commenced building operations on one of the Minquiers Rocks, in virtue, apparently, of a lease stated to have been issued by some French authority³. It was no doubt in connexion with this incident that Your Excellency recently enquired informally⁴ of Sir Ronald Lindsay what His Majesty's Government considered to be the status of this group.

2. I have the honour to remind you⁵ that a memorandum dated August 17th, 1905⁶, was addressed to Monsieur Geoffroy by the late

¹ There is evident confusion here with the Ecréhous Islets. The reference, presumably, is to Piers des Préaux' Charter to the Abbey of Val-Richer, which, in any case, belongs to the 13th century (1203). See Annex A 7.

² "for Home Affairs" in the original typewritten draft.

³ See Annexes A 135 and A 137.

⁴ See Annex A 74.

⁵ "Your Excellency" in the original typewritten draft.

⁶ See Annex A 69.

Marquess of Lansdowne, in which it was stated that His Majesty's Government were unable to relinquish their claim to sovereignty over the Minquiers, but would be prepared to arrive at a settlement with regard to the fishing in the adjacent waters on the lines indicated in the penultimate paragraph of the document. No reply was received to this communication beyond a formal acknowledgement¹ from Monsieur Geoffroy to the effect that he was referring it to the French Government. His Majesty's Government have accordingly always assumed that the French Government had no desire to dissent from the view expressed in the memorandum, and they think that there must be some misunderstanding if a lease has actually been granted to Monsieur Leroux by a French authority, as alleged.

3. If the French Government desire to enter into further discussions with regard to the Minquiers, His Majesty's Government are prepared to renew their offer to endeavour to arrive at a friendly settlement of the practical questions involved. In the meantime, they have no doubt that the French Government, in order to obviate all risk of the occurrence of some untoward incident on the spot, will restrain Monsieur Leroux from proceeding further with his building operations pending such discussion.

I have the honour to be, with the highest consideration,
Your Excellency's obedient Servant,
(For the Secretary of State)
(Sd.) R. H. CAMPBELL.

His Excellency
Monsieur A. de Fleuriau, G.C.V.O.,
etc., etc., etc.

ANNEX A 76

Dispatch from the French Ambassador, 5th October, 1937, to the Foreign Office, protesting against the Erection of a Customs House, and the Hoisting of the British Flag on the Maitresse Ile of the Minquiers Islets

[*Foreign Office Registry File, No. C 6920/2223/17*]

*Ambassade de France
en Angleterre.*

Londres, le 5 Octobre, 1937

No. 537

Monsieur le Secrétaire d'Etat,

Depuis quelque temps déjà, les pêcheurs français exerçant leur industrie dans les parages des îles Minquiers se sont émus de certaines mesures prises par les autorités de Jersey et pouvant faire croire que les dites autorités tranchent à leur profit la question, non résolue jusqu'à ce jour, de la souveraineté sur les îles[sic] précitées.

¹ See Annex A 70.

Cette question de souveraineté n'a en effet jamais encore été réglée. Au moment où fut négociée la Convention du 2 Août 1839¹, qui avait pour objet de délimiter les pêcheries sur les côtes respectives de la France et de l'Angleterre, aucun des deux Gouvernements intéressés n'émit de prétention sur les Iles Minquiers qui demeurèrent livrées, suivant la tradition, à la libre exploitation des pêcheurs des deux nations. En vertu d'une sorte d'accord tacite, les pêcheurs français et anglais n'ont jamais cessé de disposer, en droit comme en fait, d'avantages identiques.

Soucieux de ne pas porter atteinte au régime existant, le Gouvernement français, malgré la faible distance qui sépare les îles Minquiers des îles Chausey, n'a d'ailleurs pas hésité, il y a quelques années, à empêcher des ressortissants français d'acquérir des terrains sur les îles Minquiers.

Or, d'après certains renseignements communiqués à mon Gouvernement, les autorités de Jersey auraient édifié récemment sur la maîtresse île une maison douanière² munie d'un panonceau aux armes de Jersey. Des pêcheurs auraient remarqué, d'autre part, que chaque fois qu'un bateau français s'approchait de cette île les couleurs britanniques étaient hissées à un mât de pavillon. En outre, des bouées et des balises auraient été installées par les services compétents de l'île de Jersey.

A tort ou à raison, ces diverses mesures ont suscité une certaine inquiétude parmi les pêcheurs français. Ils redoutent que les autorités de Jersey n'invoquent cette prise de possession de facto pour leur interdire l'accès des îles Minquiers ou tout au moins pour leur en limiter l'accès.

Dans ces conditions, le Gouvernement de la République, sans vouloir préjuger des intentions des autorités de l'île de Jersey, m'a prié de signaler à Votre Excellence que, n'ayant jamais renoncé et n'ayant pas le dessein de renoncer à ses droits souverains sur les îles Minquiers, il se voyait contraint de formuler des réserves en ce qui concerne l'initiative prise par les autorités de Jersey en installant un poste douanier dans cet archipel.

Ne doutant pas que le Gouvernement de Sa Majesté ne soit disposé à maintenir un régime dont ont bénéficié jusqu'à présent les pêcheurs anglais et français, mais désireux de mettre fin le plus tôt possible à d'inutiles appréhensions, mon Gouvernement serait reconnaissant à Votre Excellence de vouloir bien le mettre en mesure d'assurer les pêcheurs français que, comme par le passé, aucune entrave ne sera apportée à l'exercice de leur industrie dans les parages des îles Minquiers./.

Veuillez agréer les assurances de la haute considération avec laquelle j'ai l'honneur d'être,

Monsieur le Secrétaire d'Etat,
de Votre Excellence,
Le très humble et très
obéissant Serviteur

CH CORBIN

Son Excellence
Le Très Honorable M. Anthony Eden,
Principal Secrétaire d'Etat de Sa
Majesté britannique pour les Affaires
Etrangères,
Foreign Office, S.W. 1.

¹ See Annex A 27.

² See paragraph 161 of the *Memorial*.

ANNEX A 77

Second Dispatch from the French Ambassador, 10th January, 1938, to
the Foreign Office on the preceding Subject

[Foreign Office Registry File, No. C 166/166/17]

*Ambassade de France
en Angleterre.*

Londres, le 10 Janvier 1938

N° 9

Monsieur le Secrétaire d'Etat,

J'avais signalé à Votre Excellence, par ma lettre N° 537, du 4¹ Octobre dernier, l'émotion que certaines mesures prises par les Autorités de Jersey avaient suscitée parmi les pêcheurs français exerçant leur industrie dans les parages des Iles Minquiers.

Le Gouvernement de la République m'avait prié de préciser à cette occasion que, n'ayant pas le dessein de renoncer à ses droits souverains sur les Iles Minquiers, il se voyait contraint de formuler des réserves en ce qui concerne ces initiatives.

Un certain nombre de personnalités politiques ayant insisté à nouveau auprès de mon Gouvernement sur l'inquiétude qu'éprouvent les pêcheurs français, il serait très reconnaissant à Votre Excellence de bien vouloir le mettre en mesure, le plus tôt qu'il Lui sera possible, d'assurer que, comme par le passé, aucune entrave ne sera apportée à l'exercice de la pêche dans les parages des Iles Minquiers./.

Veillez agréer les assurances de la haute considération avec laquelle j'ai l'honneur d'être

Monsieur le Secrétaire d'Etat
de Votre Excellence

Le très humble et très
obéissant serviteur.

CH CORBIN

Son Excellence

Le Très Honorable M. Anthony Eden,
Principal Secrétaire d'Etat de Sa Majesté
britannique pour les Affaires Etrangères,
Foreign Office

¹ Recte 5th October. See Annex A 76.

ANNEX A 78

Reply from the Foreign Office, 18th July, 1938, to the French Ambassador's Dispatches of the 5th October, 1937 and 10th January, 1938, reassuring him that there was no intention of Interfering with French Fishermen off the Minquiers Islets

[*Foreign Office Registry File, No. C 6370/166/17*]

No. C 6370/166/17

FOREIGN OFFICE, S.W. 1
18th July, 1938.

Your Excellency,

Your notes No. 537¹ of 5th October, 1937, and No 9² of 10th January, 1938, on the subject of developments which were believed to be taking place on the Minquiers Islands, have been carefully considered in consultation with the competent department of His Majesty's Government and in the light of the results of the enquiries which have been made locally.

2. In your note No. 537 of 5th October, 1937, Your Excellency informed my predecessor that French fishermen exercising their profession in the neighbourhood of the Minquiers Islands had been disturbed by certain measures taken by the Jersey authorities which gave grounds for thinking that the latter were endeavouring to settle to their advantage the question of sovereignty over these Islands which, you stated, had hitherto remained unresolved. You explained the views of the French Government on this subject and claimed that, by virtue of a kind of tacit understanding, French and British fishermen had always enjoyed identical advantages both in law and in fact. After referring to certain activities on the part of the Jersey authorities, notably in the matter of the erection of a customs house on the *Maîtresse Ile*, which had caused some anxiety to the local French fishermen, you stated that the French Government, without wishing to prejudice the intentions of the Jersey authorities, had requested you to inform me that, having never renounced and having no intention of renouncing their sovereign rights over the Minquiers Islands, they found themselves obliged to make reserves with regard to the action taken by the Jersey authorities in installing a customs post on the islands. In conclusion, you stated that while your Government did not doubt that His Majesty's Government were prepared to maintain a system by which both British and French fishermen had hitherto benefited, they were desirous of putting an end as soon as possible to unnecessary anxieties and would accordingly be grateful to be enabled to assure the French fishermen that, as in the past, no obstacle would be placed in the way of the exercise of their profession in the waters surrounding the Minquiers Islands.

3. In reply, I would draw your attention to the arguments contained in the memorandum³ communicated to the French Ambassador in London on August 17th, 1905, which, in the opinion of His Majesty's Government afford conclusive proof of British sovereignty over the Minquiers Islands. While, however, they are unable to admit that British sovereignty over these Islands, and therefore over the territorial waters

¹ See Annex A 76.

² See Annex A 77.

³ See Annex A 69.

surrounding them, can be called in question, I am able to assure Your Excellency that there is no intention at present to prevent French fishermen from fishing in the waters outside the line of low water mark which is drawn between the outermost rocks uncovered at low water at equinoctial spring tides.

4. Any anxieties which the activities of the Jersey authorities, to which you have drawn attention, may have caused to the French fishermen seem moreover to be unfounded. In so far as concerns the erection of a customs house on the Maitresse Ile, it would appear that the French Government have been misinformed, since I understand that the customs house in question is no innovation but was established in the year 1909¹ with a view to check smuggling. As regards the hoisting of the British flag on this Island, I understand that the flagstaff has been maintained there by the States of Jersey from time immemorial and that it has been the custom to fly the British flag on suitable occasions. During the summers of the years 1936 and 1937 the States of Jersey employed a number of workmen, who resided on the island, in extending the landing-stage and in work connected with buoys and beacons². These workmen were in the habit of signalling their messages to passing steamers for transmission to Jersey and this may perhaps explain the increase in the showing of flags which has been reported by French fishermen. I understand further, that the Jersey authorities have been engaged for some years past in measures to remedy the insufficiency of the lighting, buoyage and beacon system in these waters by the provisions of improved or additional lights, buoys and beacons. It appears that the Jersey authorities are still engaged in the work of installing buoys and additional beacons to make [*recte* mark] the dangers or channels of the reef of the Minquiers Islands, including the channel east of the Maitresse Ile which is used by passenger steamers.

5. The matters referred to in the preceding paragraph therefore are not, as suggested, in any way innovations and there is in any case nothing in them to indicate that the liberty of fishing referred to at the end of paragraph 3 above is being disturbed.

I have the honour to be with the highest consideration,

Your Excellency's obedient Servant,

(For the Secretary of State)

(Sd.) WILLIAM STRANG.

His Excellency
Monsieur Charles Corbin,
etc., etc., etc.

¹ See paragraph 161 of the *Memorial*.

² See paragraph 165(c) and (d) of the *Memorial*.

ANNEX A 79

**Record of the Drowning of 24 Jerseymen, whilst returning from the
Ecréhous Islets in 1309**[*Assize Roll, 2 Edw. II, m. 48 d*]

Adhuc de placitis de Corona de parochia sancti Martini

{m. 48 d.}

[.....]

Presentant etiam quod Colinus Troptostney Petrus Fouket et Johannes de Elemosina simul [cum] alis circiter numerum viginti quatuor transierunt in quodam batello apud Eskerho ad querendum Wreccum et cetera redeuntes submersi fuerunt. Et nullus inde malecreditur. Iudicium Infortunum. Et quia predictus batellus mouens et cetera fuit causa mortis et cetera. Ideo remaneat deodandum. Et conceditur Thome Roger Johanni Vallet et Ricardo le Home per plegium adinuicem pro xl solidis

ANNEX A 79

Record of the Drowning of 24 Jersey men, whilst returning from the Ecréhous Islets in 1309[*Assize Roll, 2 Edw. II, m. 48 d*]

[Translation]

Continuation of the pleas of the Crown of the parish of St. Martin

[.....] [m. 48 d.]

They present also that Colin Troptostney, Piers Fouket and John "de Elemosina", with others, to about the number of twenty-four, crossed in a certain boat to the Ecréhous to seek Wreck of the sea, etc., and coming back were drowned. And no one is suspected in that connexion. Verdict : misadventure. And because the said boat while moving, etc., was the cause of death, etc., therefore let it remain as a deodand. And it [the boat] is granted to Thomas Roger, John Vallet and Richard le Home by pledges for each other of 40s.

ANNEX A 80

Proceedings against George Romeril by the Constable of the Parish of St. Martin, Jersey, 27th May and 17th June, 1826, for an alleged Crime at the Ecréhous Islets

[*Rôles de La Cour Royale de Jersey, 27 Mai, 1826*]

1826

 Mai 27.

Le Procureur Général du Roi a donné lecture à la Cour d'un rapport du Connétable de la paroisse de St^t Martin exposant que dans la soirée du 26 du Courant George Romeril de la paroisse de St^t Helier vint chez lui l'informer que dans le courant du jour il avait été aux Rochers Echrehos accompagné de John Morgan & de Philippe Le Breton pour chercher des marchandises qui y avaient été portées par John M^e Gras & autres ; qu'une dispute s'étant élevée entr'eux ledit M^e Gras lui avait lâché un coup de pistolet, que lui ledit George Romeril lui avait retourné un autre coup de pistolet & que la balle l'avait atteint au corps de sorte qu'il ne croyait pas qu'il put s'en rétablir & qu'en conséquence il venait se rendre prisonnier, M. Philippe Billot qui l'avait accompagné chez lui, délivra audit Connétable le pistolet dudit M^e Gras & le pistolet & un bâton à épée dudit Romeril comme aussi un autre pistolet et un autre bâton à épée qu'il avait pris audit John Morgan ; le tout selon que plus au long est contenu audit rapport qui est demeuré logé au Greffe. Et ledit Connétable ayant en conséquence présenté ledit George Romeril en Justice, après qu'il a été entendu il a été envoyé en prison instance du Procureur Général du Roi pour être reproduit & qu'il soit procédé [*sic*] vers lui selon que l'effet ou les circonstances de la blessure dudit M^e Gras pourraient par la suite exiger. Etant trois pistolets & deux bâtons produits en Cour pour ledit Connétable demeurés logés au Greffe.—

 [*Rôles de La Cour Royale de Jersey, 17 Juin, 1826*]

1826

 Juin 17

George Romeril convenu à l'Instance du Procureur Général du Roi pour voir ordonner par Justice sur le rapport du Connétable de la paroisse de St^t Martin exposant que dans la soirée du 26 du courant George Romeril de la paroisse de St^t Helier vint chez lui l'informer que dans le courant du jour il avait été aux Rochers Echrehos accompagné de John Morgan & de Philippe Le Breton pour chercher des marchandises qui y avaient été portées par John M^e Gras & autres ; qu'une dispute s'étant élevée [*sic*] entr'eux ledit M^e Gras lui avait lâché un coup de pistolet que lui ledit George Romeril lui avait retourné un autre coup de pistolet et que la balle l'avait atteint au corps, de sorte qu'il ne croyait pas qu'il pût s'en rétablir & qu'en conséquence il venait se rendre prisonnier, M^e Philippe Billot qui l'avait accompagné chez lui délivra audit Connétable le pistolet dudit M^e Gras & le pistolet & un bâton à épée dudit Romeril comme aussi un autre pistolet & un autre bâton à épée qu'il avait pris audit John Morgan ; le tout selon que plus au long est contenu audit rapport & en l'acte en date de l'an 1826, le 27^e jour de Mai. Edouard Nicolle Esc^r Chirurgien à la cause à informer. Après que ledit Sieur Nicolle a déclaré par Serment que ledit John M^e Gras est présentement hors de danger ledit George Romeril été accusé par ledit Sieur Procureur Général du Roi d'avoir Vendredi 26^e jour de Mai 1826 attenté à la vie

dudit John M^e Gras en lui tirant un coup de pistolet ou autre arme à feu chargé à poudre & à balle. Ledit George Romeril a sur ce plaider & fait sa déclaration qui a été rédigée par écrit & logée au Greffe & il a été constitué prisonnier sous ladite accusation instance dudit Sieur Procureur Général du Roi sauf à lui à donner caution de se représenter & répondre à la poursuite toutes fois & quantes sur la pénalité de mille livres d'ordre auquel effet il a produit Mr Jean Coutanche qui y est demeuré, et il a été permis audit Sieur Procureur Général du Roi d'informer.

ANNEX A 81

Affidavit of H. Ahier, Constable of the Parish of St. Martin, Jersey, 30th April, 1951, relating to the Inclusion of the Ecréhous Islets in the Parish of St. Martin, and the Parochial Rating of Houses on the same Islets

I, Henry Ahier, of Seymour Farm, in the Parish of St. Martin, in the Island of Jersey, hereby make oath and say as follows:—

1. I am the Constable of the said Parish of St. Martin and have been a member of the Honorary Police of that Parish since the year 1916.

2. I have always understood that the Ecréhous Islands form part of the Parish of St. Martin for administrative purposes.

3. Records of the Parish of St. Martin relating to parochial rate have been kept since the year 1889 to the present day. They shew that, during the whole of that period, properties situate at the Ecréhos have been included in the Parish of St. Martin for the purposes of parochial rate.

In the year 1889, for example, Sir James Godfray, the Rev. William Lemprière and Mr. Jean Becquet paid rate in respect of houses belonging to them situate at the Ecréhos.

In the year 1950, the following persons paid rate in respect of houses belonging to them situate at the Ecréhos—Baron Trent of Nottingham, Major R. J. B. Bolitho, the heirs of the late Mrs. Yvonne Riley (née Lemprière) and Messrs. J. C. Becquet, J. T. Becquet and E. P. Billot.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] H AHIER.

Sworn by the above-named
Henry Ahier in the Island
of Jersey this 30th day
of April in the year one
thousand nine hundred and
fifty-one, before me

[Signed]
HEDLEY G. LUCE
Notary Public
Jersey

ANNEX A 84

Inquest, 21st December, 1917, upon the Body of a Person Unknown found at the Ecréhous Islets[*Rôles de La Cour Royale de Jersey, 22 Décembre, 1917*]

Lecture ayant été donnée de certain Rapport du Vicomte contenant le Procès verbal de l'Enquête de Levée de Corps qu'il a tenu en vertu d'un Ordre du Bailli en date du 11 Novembre 1917 sur le cadavre D'UN INCONNU, la Cour, conformément aux conclusions du Procureur Général du Roi a ordonné l'enregistrement dudit Rapport aux Rôles de la Cour Royale.

DUQUEL RAPPORT LA TENEUR SUIT.1917
Décembre 22

Ce 12 Novembre 1917 En vertu de l'Ordre d'autre côté je me suis rendu sur les lieux où gît ledit cadavre où j'ai appelé douze hommes, savoir, Messrs Edwin John Luce, Edward Clarence Boielle, John Clarence Woodford, Walter Filleul Romeril, George Thomas Blampied George Francis Vardon, William Albert Blampied, Walter John Ennis Isaac Alexandre Oldridge, Jean Elie Renault, Edwin George Hotton and [sic] Walter George Le Sueur, auxquels en présence du Procureur Général du Roi j'ai administré serment, Après que lesdits hommes ont vu ledit cadavre et entendu le Centenier John George Pallot de St Martin, Mr Joseph Clement Becquet, Mr Walter Becquet et Mr John George Mollet par serment sur le sujet j'ai remis la Continuation de l'enquête à Mardi le 20 Novembre 1917 afin de donner occasion d'établir si possible l'identité dudit cadavre ; quel jour lesdits hommes ont derechef comparu devant moi et j'ai encore remis la Continuation¹ de l'enquête à un autre jour Et aujourd'hui le 21 Décembre 1917 lesdits hommes ont Comparu devant moi. Et ils ont déclaré d'opinion uniforme qu'ils croient en leurs consciences que ledit Cadavre est celui d'un inconnu, trouvé dans la journée de Dimanche le 11 Novembre 1917, aux Ecréhous [sic], paroisse de St Martin en cette Ile mais qu'en présence de l'état de décomposition dudit cadavre et du peu d'indications qui auraient² pu servir à le faire reconnaître, il a été impossible d'établir son identité, malgré le fait que l'enquête avait été ajournée dans l'espoir d'obtenir quelque renseignements à ce sujet De quoi je fais ce présent Rapport.

(Sd) E T NICOLLE
Vicomte.¹ The original MS. has *unis la Contration*—an obvious clerical error.² The original MS. has *duraient*—another clerical error.

**Rating Schedule of 1889 for a House, belonging to the Rev. W. Lemprière, at the Ecréhous Islets,
within the Parish of St. Martin, Jersey.**

No. 2

(Nom du Propriétaire).

(Domicile).

Année 1889.—Paroisse de ST. MARTIN.—Maisons, Edifices et Terres, appartenant à *Rev. William Lemprière M.A.**(Rozel Manor)*

No. d'Ordre.	Description indiquant les Tenants et aboutissants d'un côté au moins, et le nom particulier, s'il y en a, de chaque maison, édifice et pièce de terre.	Vingtaine et la ruelle ou chemin sur lequel la propriété borde.	Mesure y compris les fossés et reliefs			Loyer.			Nom du Locataire.	A quelle charge sont les Réparations, et autres Remarques.
			Ver.	Per.	Pds.	£	s.	d.		
	<i>Rozel Farm.</i>		66	—	—	190	—	—	<i>John D. Richardson</i>	<i>Le propriétaire</i>
	<i>Old Farm.</i>		37	38	—	98	—	—	<i>P. G. Noël, Senr.</i>	"
	<i>Clos de la Ville et Clos de Malet</i>		14	12	—	47	—	—	<i>I. Germain</i>	"
	<i>La Pallotterie</i>		12	20	—	34	—	—	<i>H. Nicolle</i>	"
	<i>La Poudrettevie & Cottage.</i>		54	—	—	140	—	—	<i>P. Noël Patourel & R. R. Lemprière</i>	"
	<i>La Fosse</i>		48	20	—	144	—	—	<i>I. G. Pallot.</i>	"
	<i>Blacksmith's & carmans.</i>					15	—	—	<i>Various</i>	"
	<i>La Croix Cottages & 2 Lodges.</i>					18	0	0	<i>Various</i>	"
	<i>Clos Machon.</i>		5	—	—	14	0	0	<i>Seilleur</i>	"
	<i>Signal Cottage</i>					5	—	—	<i>W. Gray</i>	"
	<i>Moulin de la Perrelle</i>		5	—	—	14	—	—	<i>Ferdinand</i>	"
	<i>Clos de la Pièce</i>		4	20	—	15	—	—	<i>H. Nicolle</i>	"
	<i>Gerinière Cottage</i>					9	—	—		"
	<i>Maison appartenant à l'Ecole</i>									"
	<i>Maison aux Echréos</i>									"
	<i>Rozel Barracks</i>					4	5	10		"

Je, soussigné, déclare que la liste ci-dessus des Maisons, Edifices et Terres, dont je suis le propriétaire, dans la Paroisse de St. Martin, dressée sur la réquisition du Connétable, qui m'a été remise le jour d 18, en vertu de l'Art. IX de la Loi sur la Taxation, passée par les Etats le 27e jour d'Août 1888 est juste et fidèle.

Date. Le jour d 18

Signature *J. L. T. Mollet Agst pour Rev. Lemprière*

EVALUATION DES EXPERTS

Valeur Locative des Maisons	Valeur Locative des Terres par vergée.			TOTAL.			Valeur Imposable.
	£	s.	d.	£	s.	d.	
				190	0	0	
28				98	0	0	
20				47	0	0	
6				34	0	0	
50				140	0	0	
38				144	0	0	
15	0	0					
18	0	0					
				14	0	0	
5	0	0					
6				8	0	0	
				15	0	0	
9	0	0					
10							
4							
4	5	10					
92	121	5	10	690	0	0	811 5 10
Dédutions.							42
Pour les Maisons.							769
Pour les Rentes.							
				£	769	5 10	1,460

No. 1

No. 2

Follows page 301

**Rating Schedule of 1950 for a House belonging to J. C. Becquet, at the Ecréhous Islets,
within the Parish of St. Martin, Jersey.**

In the year 1950 Parish of St. Martin		Joseph Clement Becquet (Name of Owner in full)		Cross Cottage (Residence)		British (Nationality)		For use of Parochial Assessment Committee only.																									
No.	Description, stating the boundaries, on one side at least, and the name, if any, of each house, building and plot of land.	Vingtaine and the road or street on which the property borders.	Measurements including the hedges and set-offs.			Annual Rental.	Name and Address of Occupier. (If property un-occupied facts should be stated.	Remarks.	"Foncier."						"Occupiers."																		
			V.	P.	F.				£	s.	Assessed rental value of Houses.	Assessed rental value of Buildings including glass-houses.	Lands assessed @ per Vergee.	Assessed rental value of Lands.	Total.	No. of	Assessed rental value of Houses.	Assessed rental value of Buildings including glass-houses.	Lands assessed @ per Vergee.	Assessed rental value of Lands.	Total.	No. of											
																							£	s.	£	s.	£	s.	Qrs.	£	s.	£	s.
1	<i>La maison (La Vallée) Bordering on the road, La Vallée.</i>	<i>Rozel.</i>	2			40			34			3-0-0	6		40			34			3-0-0	6		40	<u>18</u>								
2	<i>Une maison à Flicquet bordant le chemin public Sea View</i>	"				20			20						20			20						20	<u>4</u>								
3	<i>Une maison aux Ecrehos.</i>	"				20			20						20			20						20	<u>4</u>								
<p>I, the undersigned, declare that the above is a complete list of the Houses, Buildings and Lands of which I am the owner (within the meaning of Article 1 the Parish Rate (Administration) (Jersey) Law, 1946), in the Parish of St. Martin, and that the foregoing particulars are fully and truly stated to the best of my judgment and belief.</p> <p>Date The 30th day of January 1950. Signature J. N. G. pro J. C. Becquet.</p>									74			6	£	80					£														
												74 Less 50%			37			<u>43</u>															
														£	43																		

ANNEX A 85

Inquest, 19th July, 1948, upon Mrs. Y. Riley, drowned at the Ecréhous Islets[*Rôles de la Cour Royale de Jersey, 19 Juillet, 1948*]

Lecture ayant été donnée de certain Rapport de Herbert Vyvian Benest Eer, Sergent de Justice, stipulant l'Office de Vicomte, contenant le Procès Verbal de l'Enquête de Levée de Corps, qu'il a tenue en vertu d'un Ordre du Bailli en date du 18 Juillet 1948, sur le cadavre de YVONNE LEMPRIÈRE, femme de Christopher John Molesworth Riley Eer, la Cour, conformément aux conclusions du Procureur Général du Roi a ordonné l'enregistrement dudit Rapport aux Rôles de la Cour Royale.

1948.
Juillet 19.

Duquel Rapport la teneur suit :—

Ce 19 Juillet 1948. En vertu de l'Ordre d'autre côté, je me suis rendu sur les lieux où gît ledit cadavre où j'ai appelé douze hommes, savoir :— Messrs. Edmond de Laquaine, Charles Edward Perry, Lysle Martin Bourke, Sainthill Percy Templeman Lindsey, Reginald Stanley Turner, William Herbert Osment, Peter Louis Nolais, John George Lidstone, Walter Auguste William Lenoir, Louis Varailion, John William Laurens et James Walter Tibot auxquels, en présence du Procureur Général du Roi, j'ai administré serment. Après que lesdits hommes ont vu ledit cadavre et entendu Mons^r Douglas Lipscombe Sinnatt, Mons^r Charles Philip Billot, Connétable de S^t Martin, le Docteur Mortimer William Hamilton Evans, D^{lle} Loveday Roselle Bolitho, D^{lle} Roselle Lemprière, femme de Richard John Bruce Bolitho Eer, et Raoul Charles Robin Eer, par serment sur le sujet, ils ont d'opinion uniforme, déclaré qu'ils croient en leurs consciences que ledit cadavre est celui de Yvonne Lemprière, veuve en premières noces de Charles Harold Robin Eer, et femme en secondes noces de Christopher John Molesworth Riley Eer, âgée de cinquante-six ans et quatre mois, native de Cannes, département des Alpes Maritimes, en France, et qu'elle fut noyée accidentellement près des Ecréhous, Lundi le cinq Juillet, mil neuf cent quarante-huit, lorsque le canot, dont elle se servait pour regagner son yacht "Iantho", mouillé à quelques encablures, coula et disparut avec elle sous les flots.

De quoi je fais ce présent Rapport.

Signé). H. V. BENEST.

Sergent de Justice.
stipulant l'Office de Vicomte.

ANNEX A 86

Contract for Sale by H. C. Bertram to the Assembly of the Governor, Bailiff and Jurats of the Island of Jersey, 22nd October, 1884, of a House on Marmotière, one of the Ecréhous Islets

[*Registre Public de l'Île de Jersey, Livre 287, Folio 81*]

Henry Charles
Bertram Ec^r
Et
Les Adminis-
trateurs des
Revenus des
Impôts.

LETTRE passée pardevant Edouard Mourant Ecuier, Lieutenant de Messire Robert Pipon Marett, Chevalier, Bailli de l'Île de Jersey, présens John Picot et William Laurence de Gruchy, Ecuiers, Jurés, datée l'an mil huit cent quatre-vingt-quatre, le vingt-deuxième jour d'Octobre ; COMME Alfred Charles Godfray Ec^r et Philippe Mourant Richardson Gent : Procureurs dûment fondés de Henry Charles Bertram Ec^r fils Charles sans lesquels il ne peut agir à ses affaires héréditaires ni mobilières selon qu'il parait par Procuration datée de l'an mil huit cent quatre-vingt-quatre le trentième jour de Septembre, d'une part ; Et George Clément Bertram Ec^r Procureur Général de la Reine, William Henry Venables Vernon Ec^r Avocat Général de la Reine et Walter Bertram Godfray Ec^r Greffier de la Cour Royale et des Etats, Autorisés des Administrateurs des Revenus des Impôts de cette Ile¹ et agissant en vertu de certain Acte de l'Assemblée des Gouverneur, Bailli et Jurés Administrateurs des Impôts en date de l'an mil huit cent quatre-vingt-quatre le dix-septième jour d'Octobre, d'autre part ; Lesquels Alfred Charles Godfray Ec^r et Philippe Mourant Richardson Gent : Procureurs comme dit est en vertu du pouvoir à eux donné par ladite Procuration, de leur libre volonté Vendirent à fin d'héritage pour et au nom dudit Henry Charles Bertram Ec^r leurdit Constituant et pour ses hoirs (et ce sans garantie aucune de la part dudit Henry Charles Bertram Ec^r ni de ses hoirs) auxdits Sieurs Procureur Général de la Reine, Avocat Général de la Reine, et Greffier de la Cour Royale et des Etats Autorisés comme dit est pour et au nom desdits Administrateurs des Revenus des Impôts certain édifice ou maison que ledit Henry Charles Bertram Ec^r acquit de Lerrier Godfray Ec^r par Contrat en date de l'an mil huit cent quatre-vingt-un le vingt-cinquième jour de Juin, lequel édifice ou Maison est sis sur la Marmotière [*sic*] un des Ilôts dits "Ecrehos" dépendant de la paroisse de St Martin en cette île¹ et du fief de Sa Majesté ou autre fief, et généralement tout et tel droit comme ledit Henry Charles Bertram Ec^r peut avoir audit ténement présentement vendu sans en rien réserver ni retenir ; le tout tel qu'il est avec les corps-morts et amarrages (*moorings*)² placées par ledit Henry Charles Bertram Ec^r au lieu accoutumé de mouillage proche ledit édifice ou Maison et tous et tels autres droits comme peuvent appartenir auxdites prémisses, à la charge auxdits Autorisés pour et au nom desdits Administrateurs des Revenus des Impôts de se conformer aux conditions et restrictions auxquelles ledit Henry Charles Bertram Ec^r pouvait être sujet pour et à cause desdites prémisses. Ladite Vente héréditaire faite en considération de la somme de Cinquante-deux livres Sterling Monnaie de la Grand Bretagne que lesdits Autorisés pour et au nom desdits Administrateurs des Revenus des Impôts paieront auxdits Procureurs pour et au nom de leurdit

Transférée
aux Etats à
partir du
1^{er} Janvier
1922 en vertu
de l'Art : 1 de
la Loi (1921)
transférant
aux Etats les
pouvoirs et
devoirs biens
meubles et
immeubles
obligations
etc de
l'Assemblée
des Gouver-
neur Bailli et
Jurés.

¹ *i.e.*, Jersey.

² In the original MS.

Fishing Boat Licence, 23rd April, 1872, and Cancellation, 27th February, 1882, of P. Pinel, Ecréhous Fisherman.

[Register of Fishing Boats for the Port of Jersey.]

Table A

SEA FISHERIES' ACT, 1868, 31 and 32 Vict., cap. 45.

Port of Jersey

Date of Registry.	Name of Vessel.	Port or Place to which belonging.	Name of Owner.	Name of Master.	Description.		Registered No.			Size.		No. of Crew usually employed.		Remarks.
					Of Vessel or Boat, how Rigged, what Sails used, &c.	Ordinary mode of Fishing.	1st Class.	2nd Class.	3rd Class.	Tonnage.	Length of Keel.	Men.	Boys.	
1872														
April 23	* John	Rozel	Philippe Pinel	P. Pinel	Cutter	Lobster		164		1	13	1		
	<u>1882</u> Cancelled.	<u>Ecrehos Rocks</u> <u>Not used for Fishing</u>												

I certify this to be a true copy from the Register of Fishing Boats for the Port of Jersey. I also certify that the date and words which I have underlined in red† ink are written in red in the Register, and that the line through the original entry is also in red ink in the Register, the original entry itself being written in black ink.

H.M. CUSTOMS AND EXCISE, JERSEY. 11/9/51.

A. F. CUMMING,
Registrar of Fishing Boats.* In the original this line has been erased.
† Here underlined black.

Follows page 304

Census of 1901 at the Ecréhous Islets

The undermentioned Houses are situate within the boundaries of the																	Page 13
Island or Isle of <i>Jersey</i>			Civil Parish of <i>St. Martin</i>				Ecclesiastical Parish of <i>St. Martin</i>				Town of		Village of <i>Lower Rozel District</i>				
Cols 1	2	3	4	5	6	7	8	9	10.	11	12	13	14	15	16	17	
No. of Schedule	ROAD, STREET, &c., and No. or NAME of HOUSE	HOUSES				Number of Rooms occupied if less than five	Name and Surname of each Person	RELATION to Head of Family	Condition as to Marriage	Age last Birthday of		PROFESSION OR OCCUPATION	Employer, Worker, or Own account	If Working at Home	WHERE BORN	(1) Deaf and Dumb (2) Blind (3) Lunatic (4) Imbecile, feeble- minded	
		In- habited	Uninhabited		Building.					Males	Females						
70	<i>Le Rock Cottage</i>	1					<i>Charles Robins</i> <i>Mary do.</i> <i>John do.</i> <i>Edwin do.</i> <i>Marie Amy</i>	<i>Head</i> <i>wife</i> <i>son</i> <i>son</i> <i>boarder</i>	<i>M.</i> <i>M.</i> <i>M.</i>	79 47 15	52 7	<i>Retired Farmer</i> <i>General Labourer</i> <i>Carpenter</i>	 <i>worker</i> <i>worker</i>		<i>Jersey, St. Helier</i> <i>do. St. Martin</i> <i>do. do.</i> <i>do. do.</i> <i>France, French subject</i>		
71	<i>Do:</i>	1					<i>Winter A. Robins</i> <i>Louisa J. do.</i> <i>Winter A. do.</i> <i>Clifford C. do.</i> <i>Harold J. do.</i> <i>Percy G. do.</i>	<i>Head</i> <i>wife</i> <i>son</i> <i>son</i> <i>son</i> <i>son</i>	<i>M.</i> <i>M.</i>	33 7 6 4 2	34	<i>House Carpenter</i>	<i>worker</i>		<i>Jersey, St. Martin</i> <i>do. Grouville</i> <i>do. St. Martin</i> <i>do. do.</i> <i>do. do.</i> <i>do. do.</i>		
	<i>Blanc Ile... ..</i> <i>Marmottière ...</i> <i>Maître Ile ...</i>		2 9 2		<i>small houses</i>		<i>John Mollet</i>	<i>Head</i>	<i>M.</i>	54		<i>Farmer</i>	<i>employer</i>		<i>Jersey, St. Martin</i>		
2	Total of Schedules of Houses and of Tenements with less than Five Rooms	2	13				Total of Males and of Females...			9	3						

NOTE.—Draw your pen through such words of the headings as are inapplicable.

Constituant en espèces toutes fois et quantes. AU reste le tout franc et quitte de toutes redevances sauf les Droits Seigneuriaux Possession du contenu des prémisses du neuvième jour d'Octobre mil huit cent quatre-vingt-quatre et après à fin d'héritage. Et Jurèrent lesdites parties &ca.

ANNEX A 89

Contract of Lease by the Crown to Sir Jesse Boot, Bart., 17th November, 1923, of the whole of Maitresse Ile of the Ecréhous Islets

[*Registre Public de l'Ile de Jersey, Livre 391, Folio 161*]

LETTRE passée pardevant Philippe Aubin, Ecuier, Lieutenant de Sa Majesté Et Messire Jesse Boot, Baronnet. Messire William Henry Venables Vernon, Chevalier et Chevalier Commandeur de l'Ordre de l'Empire Britannique, Bailli de l'Ile de Jersey, présens Alfred Philip Le Rossignol et Samuel James Le Marquand, Ecuiers, Jurés, datée l'an mil neuf cent vingt-trois, le dix-septième jour de Novembre; COMME Charles Edward Malet de Carteret Ec^s, Avocat Général du Roi (Stipulant l'Office de Procureur-Général) et Percy Adrian Aubin Ec^s, Receveur Général des Revenus de Sa Majesté en cette Ile, agissant pour et aux noms des Lords Commissaires de la Trésorerie de Sa Majesté en vertu de certaine autorisation Spéciale en date du troisième jour de Novembre mil neuf cent vingt-trois, d'une part; Et Messire Jesse Boot, Baronnet, d'autre part; Sur ce que par contrat héréditaire en date du Septième jour d'Octobre mil neuf cent vingt-deux ledit Messire Jesse Boot prit et acquit de Walter Falla Ec^s une certaine petite Maison que feu John Adolphus Emily Ec^s avait fait ériger sur la Maitresse Ile des Ecréhous avec ses appartenances et dépendances. Que par autre contrat en date dudit jour Sept Octobre mil neuf cent vingt-deux ledit Messire Jesse Boot prit et acquit de Harry Edward Howard, James McAuslan Mackenzie et Newman Taylor Ec^s au droit de Charles Maingay Robin Ec^s lequel était au droit de Mons^r Tom Naylor Holdaway, fils aîné et principal héritier de feu Mons^r Frederick William Holdaway certaine Maison alors connue sous le nom de "Winchester House" (aujourd'hui "Les Dauchets") avec Edifices, terrain et dépendances; Que ledit Messire Jesse Boot a Sollicité des Lords Commissaires de la Trésorerie de Sa Majesté un bail à termage de la dite Ile et que sa prière a été favorablement accueillie—Or aujourd'hui lesdits Avocat-Général et Receveur Général ont par ces présentes pour et au nom desdits Lords Commissaires de la Trésorerie de Sa Majesté et pour leurs Successeurs Baillé à Termage audit Messire Jesse Boot, pour lui et ses hoirs l'entier de la dite Maitresse Ile des Ecréhous jusqu'au Plein de Mars avec les dits edifices et ce pour l'espace de vingt-cinq années à partir du premier Janvier mil neuf cent vingt-quatre jusqu'au trente-unième[sic] jour de Décembre mil neuf cent quarante-huit, et ce à un loyer annuel de vingt-cinq livres Sterling payable annuellement le trente-et-unième jour de Décembre de chaque année, le premier paiement devant être effectué le trente-et-unième jour de Décembre mil neuf cent vingt-quatre. Etant stipulé et accordé que ledit Messire Jesse Boot et ses hoirs préserveront les ruines de l'ancien Prieuré qui se trouve dans

ladite Ile et respecteront les droits du Public en dessous du Plein de Mars, et que les Bailleurs ne seront pas responsables du maintien et entretien des dits édifices. Et Jurèrent lesdites parties &c.

ANNEX A 90

Contract for Lease by the Crown to John Campbell, 2nd Baron Trent of Nottingham, 27th November, 1948, of the whole of Maitresse Ile of the Ecréhous Islets

[*Registre Public de l'Ile de Jersey, Livre 449^A, Folios 197-8*]

Les Lords
Commissaires
de la Trésore-
rie [sic] de
Sa Majesté
Et
Le Très
Honorable
John
Campbell,
Baron Trent
of
Nottingham.

LETTRE passée pardevant Edwin Philip Le Masurier, Ecuier, O.B.E., Lieutenant de Messire Alexander Moncrieff Coutanche, Chevalier, Bailli de l'Ile de Jersey, présents, Stanley Hocquard et Percy Chambers Cabot, Ecuiers, Jurés, datée l'an mil neuf cent quarante-huit, le vingt-septième jour de Novembre. Comme :— Cecil Stanley Harrison, Ec^t, Procureur-Général du Roi, et Ralph Edward Bishop Voisin, Ec^t, Receveur-Général des Revenus de Sa Majesté en cette Ile, agissant pour et aux noms des Lords Commissaires de la Trésorerie de Sa Majesté en vertu de certaine autorisation spéciale en date du onzième jour d'Août mil neuf cent quarante-huit, d'une part ; Et Mons^r William Thomas Scarborough, Procureur dûment fondé du Très Honorable John Campbell Baron Trent of Nottingham, comme paraît par Procuration Spéciale passée dans la Cité de Nottingham, en Angleterre, l'an mil neuf cent quarante-huit le quinzième jour d'Octobre, et insinuée au Registre Public de cette Ile, d'autre part. D'Autant que par contrat héréditaire en date du septième jour d'Octobre mil neuf cent vingt-deux Messire Jesse Boot Baronnet prit et acquit de Walter Falla, Ec^t, une certaine petite maison que feu John Adolphus Emily, Ec^t, avait fait ériger sur la Maitresse Ile des Ecréhous avec ses appartenances et dépendances ; Que par autre contrat en date dudit jour sept Octobre mil neuf cent vingt-deux ledit Messire Jesse Boot Baronnet prit et acquit de Harry Edward Howard, James M^{re} Anslan¹ Mackenzie et Newman Taylor, Ec^{rs}, au droit de Charles Maingay Robin, Ec^t, lequel était au droit de Mons^r Tom Naylor Holdaway, fils aîné et principal héritier de feu Mons^r Frederick William Holdaway, certaine maison alors connue sous le nom de "Winchester House" (aujourd'hui "Les Dauchets") avec édifices, terrain et dépendances ; Que par le Partage des Héritages de feu le Très Honorable Baron Trent of Nottingham (autrefois ledit Messire Jesse Boot, Baronnet) passé devant Justice le onzième jour de Juin mil neuf cent trente-deux ledit Très Honorable John Campbell, Baron Trent of Nottingham, eut comme partie de sa part desdits héritages tout et tel droit comme pouvait avoir ledit défunt en vertu des deux susdits contrats en date du septième jour d'Octobre mil neuf cent vingt-deux qu'en vertu de certain autre contrat² en date du dix-septième jour de Novembre mil neuf cent vingt-trois entre ledit défunt et les Autorisés de Sadite Majesté à ladite Maitresse Ile des Ecréhous ainsi qu'aux maisons

¹ But see Annex A 89, where, however, the original MS. clearly spells the name "McAuslan."

² See Annex A 89.

y érigées ; Que ledit Très Honorable John Campbell, Baron Trent of Nottingham, a sollicité des Lords Commissaires de la Trésorerie de Sa Majesté un bail à termage de ladite Ile et que sa prière a été favorablement accueillie. Or, aujourd'hui, lesdits Procureur-Général et Receveur-Général ont par ces présentes pour et aux noms desdits Lords Commissaires de la Trésorerie de Sa Majesté et pour leurs successeurs. Baillé à Termage audit Procureur pour et au nom dudit Très Honorable John Campbell, Baron Trent of Nottingham et pour ses hoirs, l'entier de ladite Maîtresse Ile des Ecréhous jusqu'au Plein de Mars avec lesdits édifices et ce pour l'espace de vingt-cinq années à partir du premier jour de Janvier mil neuf cent quarante-neuf jusqu'au trent-unième jour de Décembre mil neuf cent septante-trois et ce à un loyer annuel de Cinquante livres Sterling payable annuellement le trente-unième jour de Décembre de chaque année, le premier paiement devant être effectué le trente-unième jour de Décembre mil neuf cent quarante-neuf. Etant stipulé et accordé que ledit Très Honorable John Campbell, Baron Trent of Nottingham, et ses hoirs préserveront les ruines de l'ancien Prieuré qui se trouve dans ladite Ile et respecteront les droits du Public en dessous du Plein de Mars, et que les Bailleurs ne seront pas responsables du maintien et entretien desdits édifices. Et Jurèrent lesdites parties, &ca.

ANNEX A 91

Contract for Sale by C. Gallichan to J. Le Bailly, 21st November, 1863, of a House in Jersey, with which is included Property at the Ecréhous Islets

[*Registre Public de l'île de Jersey, Livre 231, Folio 84*]

LETTRE passée pardevant Jean Hammond Ecuier Bailli de l'île de Jersey, présens John Le Couteur & Jean Aubin Ecuiers Jurés datée l'an mil huit-cent soixante-trois, le vingt-unième jour de Novembre, COMME Mr Clement Gallichan fils Clement d'une part. Et Josué Le Bailly Ecr¹ fils Josué d'autre part, Lequel Mr Clement Gallichan, de sa libre volonté Bailla & Vendit à fin d'héritage pour lui et ses hoirs audit Josué Le Bailly Ecr¹ pour lui et ses hoirs, une certaine Maison, Offices, belle hogard & issues, ainsi que les terres suivantes ; savoir Le Jardin à Potage en devant de ladite Maison, La Valette et la pièce à l'Est de ladite Valette, [. . .] le tout tel qu'il est, avec autant de droits, chemins, issues, appartenances & dépendances comme en peut appartenir, situé en la paroisse de la Trinité, sur le fief de Dielament et contenant Vingt-six-vergées sept perches, dix-neuf pieds, mesure, agréée et accordée entre les dites parties et généralement tout et autant comme audit Bailleur & Vendeur en appartient en ces lieux là ainsi qu'aux Ecréos[sic] sans aucune réserve ni retenue quelconque. [.]

Mr Clement
Gallichan
&
Josué Le
Bailly Ecr

¹ Only the relevant portion of this very long deed is printed.

ANNEX A 92

Contract for Sale by L. Godfray to H. C. Bertram, 25th June, 1881, of a Building on the Ecréhous Islets[*Registre Public de l'Île de Jersey, Livre 276, Folio 201*]

Lerrier
Godfray Ecr
Et
Henry Charles
Bertram Ecr

LETTRE passée par devant Messire Robert Pipon Marett Chevalier, Bailli de l'Île de Jersey. présens Charles Gruchy et John Picot Ecuiers, Jurés, datée l'an mil huit cent quatre-vingt-un, le vingt-cinquième jour de Juin ; COMME Lerrier Godfray Ecr, fils Hugh, d'une part ; ET Henry Charles Bertram Ecr, fils Charles, d'autre part ; Lequel Lerrier Godfray Ecr, de sa libre volonté VENDIT à fin d'héritage pour lui et ses hoirs, (et ce sans garantie aucune de leur part ; audit Henry Charles Bertram Ecr, pour lui et ses hoirs, certain édifice qu'il a fait ériger sur les rochers dit "Ecréos"[sic] attenants à et dépendant de la paroisse de Saint Martin en cette île, sur le Fief de Sa Majesté ou autre Fief et généralement tout et tel droit comme ledit Vendeur peut avoir auxdits rochers sans en rien réserver ni retenir, le tout tel qu'il est avec tous et tels droits comme peuvent en appartenir, à la charge audit Acquéreur et ses hoirs de se conformer aux conditions et restrictions auxquelles ledit Vendeur pouvait être sujet pour et à cause des prémisses. Ladite Vente héréditaire faite en Considération de la somme de Vingt-cinq Livres Sterling, Monnaie de la Grande Brétagne que ledit Acquéreur paiera audit Vendeur en espèces toutes fois et quantes.—ET JURÈRENT lesdites parties &c^a

ANNEX A 93

Contract for Sale by C. L. Blampied to Mrs. Y. Riley, 9th August, 1947, of a House on Marmotière, one of the Ecréhous Islets[*Registre Public de l'Île de Jersey, Livre 446^c, Folio 57*]

Mr Charles
Lindsay
Blampied
prinl her^{rt} etc
Et
Dlle Yvonne
Lemprière,
femme de
Christopher
John
Molesworth
Riley Ecr

LETTRE passée pardevant Edwin Philip Le Masurier, Ecuier MBE, Lieutenant de Messire Alexander Moncrieff Coutanche, Chevalier, Bailli de l'Île de Jersey, présens James Messervy Norman et Neville Godfray Hind, C.S.I., M.C. Ecuiers, Jurés datée l'an mil neuf cent quarante-sept, le neuvième jour d'Août. COMME :—Mr Charles Lindsay Blampied, fils aîné de feu Mr. Charles Clement Blampied, lequel était fils aîné de feu Mr. Charles Blampied, et en cette qualité ledit Mr. Charles Lindsay Blampied à la représentation de sondit feu père principal héritier à la succession collatérale de feu Mr George Richardson Blampied, son oncle, lequel était fils puisné dudit Mr Charles Blampied, d'une part ; ET Mons^r Hedley George Luce, un des Procureurs dûment fondés de Dlle. Yvonne Lemprière, fille de Reginald Raoul et femme de Christopher John Molesworth Riley Ecr, comme paraît par procuration passée devant Justice l'an mil neuf cent quarante-sept, le trente-unième jour de Mai, d'autre part. LEQUEL Mr. Charles Lindsay Blampied, principal héritier comme dit est, de sa libre volonté BAILLA et VENDIT à fin d'héritage, pour lui et ses hoirs (mais sans fourniture ni garantie quelconque de sa

part ni de ses hoirs) audit Mons^r Hedley George Luce, Procureur comme dit est, pour et au nom de ladite Dlle. Yvonne Lemprière, femme mariée comme dit est, sa Constituante, et pour ses hoirs: la maison principale qui fut à M^r Charles Blampied établie sur la partie Nord (bordant sur le passage au Nord de la Maison des Impôts) du Marmotier[*sic*] des Ecréhos. ITEM, un édifice établi sur un terrain à l'Est dudit Marmotier et en face (à l'Est) de ladite Maison des Impôts. ITEM, tout et tel droit auquel ledit M^r Charles Blampied pouvait prétendre sur la tête Sud dudit Marmotier où autrefois se trouvait un mât de pavillon établi par ledit Mr. Charles Blampied. LE TOUT tel qu'il est situé aux Iles des Ecréhos en la Paroisse de St. Martin, sur le Fief du Roi ou autre Fief. Lesdites Iles des Ecréhos étant dépendance de cette Ile¹ et de ce Bailliage. A LA CHARGE à ladite Dlle. Yvonne Lemprière, femme mariée comme dit est, et ses hoirs de se conformer à toutes les clauses, conditions et restrictions auxquelles ledit Bailleur et Vendeur, principal héritier comme dit est, pouvant être assujetti pour et à cause desdites prémisses auxquelles ledit feu Mr. George Richardson Blampied avait droit comme légataire au Codicille au Testament de meubles et d'immeubles dudit feu M^r Charles Blampied, son père, la copie authentique desquels Testament et Codicille fut enregistrée au Registre Public de cette Ile par Acte de la Cour Royale en date du vingt-deux Février mil neuf cent dix-neuf. LEDIT BAIL ET VENTE héréditaire fait pour et considération de la somme de Deux cent cinquante livres Sterling payable en espèces toutes fois et quantes après la passation du présent contrat. AU RESTE ladite propriété franche et quitte de toutes rentes et redevances sauf les droits Seigneuriaux. POSSESSION du contenu des prémisses présentement et après à fin d'héritage. ET JURÈRENT lesdites parties etc.

ANNEX A 94

Visit of the Governor, Bailiff and Jurats, 28th June, 1893, to Hoist the Union Jack on Marmotière, one of the Ecréhous Islets

[*Acte de L'Assemblée du Gouverneur, Bailli et Jurés, 28 Juin, 1893*]

L'Assemblée, s'étant rendue aux Ecréhos, Son Excellence le Lieutenant-Gouverneur a hissé le Drapeau Britannique ("British Ensign")² sur la Marmotière. L'Assemblée a fait l'inspection de la maison et des dépendances situées sur la Marmotière, acquises par l'Assemblée des Procureurs Généraux de Henry Charles Bertram, Ec^r³, et a constaté que lesdites maison et dépendances sont dans un état d'entretien convenable ;

L'Assemblée a aussi visité le "Maître Ile", formant partie du groupe des Ecréhos.

¹ *i.e.*, Jersey.

² In the original MS.

³ See Annex A 86.

ANNEX A 95

Act of the Jersey Piers and Harbours Committee, 5th February, 1910,
giving Instructions for the Erection of a Signal Post on Marmotière,
one of the Ecréhous Islets

Ecréhous

[Acte du Comité des Havres et Chaussées, 5 Février, 1910]

cession de
plateau p^r y
établir mât
de signaux

Monsieur le Président a donné lecture d'une lettre de Monsieur le Bailli, en date du 31 Janvier dernier, transmettant copie d'une lettre du Sous Secrétaire d'Etat pour le Département de l'Intérieur, en date du 28 dudit mois, qu'il a reçue par l'entremise de Son Excellence le Lieutenant Gouverneur, au sujet de la demande contenue dans l'Acte du Comité du 14 Août 1909, décidant de s'adresser à la Trésorerie de Sa Majesté, pour la cession de la pointe Sud du plateau de l'Ilot de la Marmotière aux Ecréhous

Le Comité a chargé le Greffier d'accuser réception desdites lettres à Monsieur le Bailli et les a référées à son Sous Comité Général, lequel est chargé de prendre les mesures nécessaires pour donner effet à l'Acte du Comité précité du 14 Août 1909—

1910.
Février 5.

Et le Comité a décidé que la lettre du Département de l'Intérieur sera enrôlée dans le livre de ses délibérations.

De laquelle lettre la teneur suit :—

Copy.
183,246/4.

Home Office,
Whitehall,
28th January, 1910.

Sir,

With reference to your letter of the 7th September last, forwarding a copy of an Act of the Piers and Harbours Committee of the States of Jersey in regard to the establishment of a signal post on the southernmost part of the Marmotière islet, I am directed by the Secretary of State to say that the Lords Commissioners of His Majesty's Treasury see no objection to the proposal of the Committee.

The Secretary of State has also consulted the Admiralty and the Board of Trade, who agree to the establishment of the signal post to which you refer.

I am,
Sir,
Your obedient Servant,
Sg^d W. P. BYRNE.

The Lieutenant Governor
of Jersey.

ANNEX A 96

**Act of the Jersey Piers and Harbours Committee, 15th April, 1907, for
Hoisting the Union Jack instead of the Red Ensign at the Ecréhous
and Minquiers Islets**

[*Acte du Comité des Havres et Chaussées, Jersey, 15 Avril, 1907*]

L'An mil neuf cent sept, le quinième jour d'Avril.

Avril 15.

Présents : Philip John Falle Ec^r, Juré, Président.

Thomas Blampied Ec^r, Juré.

Le Rév^d Edouard Luce, Recteur de St Sauveur.

Le Rév^d John Pepin „ de St Ouen.

Mons^r Charles Perchard, Connétable de St Martin.

Mons^r Josué Alexandre, „ de St Brelade.

Mon^s John Edward Le Boutillier, Député de St Brelade.

Mons^r Edward Binet Renouf, Député de St Hélier.

Mons^r Herbert Augustus Bertram Député de Grouville.

Présents aussi ;—Mons^r Edmund Berteau, Ingénieur des Etats.

Mons^r Francis John Renouf, Maître de Port de St Hélier.

Le Comité s'est rendu aux Îles des Minquiers dans le remorqueur "Duke of Normandy" Visite aux Minquiers
Le Comité à[sic] décidé qu'à l'avenir le drapeau dit "Union Jack" "Union Jack"
sera arboré aux mâts de signaux, tant sur la Maîtresse Ile des Minquiers, arboré aux
que sur le Maître Ile des Ecréhous, au lieu de l'enseigne rouge de commerce, Ilots
et a donné des directions au Maître de Port de St Hélier de fournir les
drapeaux nécessaires à cet effet aux pêcheurs fréquentant ces Îles.

ANNEX A 97

**Act of Jersey Committee of Piers and Harbours, 13th October, 1906,
relating to the repair of a Slipway on Marmotière of the Ecréhous Islets**

[*Actes du Comité des Havres et Chaussées, 13 Octobre, 1906*]

Le Comité a pris en considération un Rapport de l'Ingénieur des Etats, en date du 12 courant, informant le Comité que Mardi dernier, il s'est rendu aux Ecréhous et a fait l'examen de la petite Jetée construite pour l'usage des pêcheurs à la Marmotière, formant partie du groupe des Ecréhous, et qu'il a constaté qu'elle est en mauvais état et qu'il serait nécessaire d'y faire exécuter des réparations le plus tôt possible afin d'empêcher sa démolition et en même temps d'effectuer certains travaux de protection à la base de quelques unes des plus hautes têtes de rocher en dessous de la plateforme du mât de pavillon, lesquelles menacent de tomber par suite de l'action de la mer, lesdites réparations et travaux de protection étant estimés par ledit Ingénieur à la somme de Trente cinq livres Sterling (£35)

Rapport de
l'Ingénieur
des Etats re¹
travaux
nécessaires
aux Ecréhous.

¹ Underlined in the original MS.

Lesdits
travaux à
exécuter.

Le Comité a chargé ledit Ingénieur de faire exécuter lesdits travaux aux conditions les plus avantageuses pour le Comité, pourvu que leur coût n'excède pas le montant de son estimation.

ANNEX A 98

Affidavit of W. G. Furzer, Harbour Master of Jersey, 20th August, 1951, relating to Maintenance of Buoys, Beacons, Buildings and Flagstaffs at the Ecréhous and Minquiers Islets ; unofficial Visits to the Islets ; Houses (and their Proprietors) there

I, William Garel Furzer, Harbour Master of the Island of Jersey, make oath and say as follows :—

(I) I have occupied the position of Harbour Master of Jersey since the year 1948 and have been an officer employed by the Piers and Harbours Committee of the States of Jersey since the year 1930.

(II) The following are the only buildings situate at the Ecréhous :—

A. *On Maître Ile.* One house, which is the property of Baron Trent of Nottingham.

B. *On Blanc Ile.* One house, which is the property of Major R. J. B. Bolitho of Jersey.

C. *On Ile Marmotier.*

(1) A building, with the words "St. Martin's, Jersey", cut in the granite of the door frame.

(2) A smaller isolated building, west of (1), and separate from it.

(3) A small building, south of (2).

(4) A building to the south of the Impôts house, (see (12) below) and separated from it by a foot-path.

(5) A building east of (4) and separated from it by a foot-path.

(6) An isolated building on the northern extremity of the Island.

(7) A building south of (6).

(8) An isolated building east of (7).

(9) An isolated building lying to the north of the building of Mr. D. P. Richardson (see (13) below).

All the buildings above described, numbered (1) to (9) inclusive, are the property of Lt. Col. R. C. Robin, of Rozel Manor, Jersey.

(10) A building, north of (1), belonging to Mrs. Billot, of Longueville, Jersey.

(11) A building, adjoining the south-east corner of (1), belonging to Mr. Stark, of La Hougue Bie, Jersey.

(12) A building, to the east of (1), owned by the States of Jersey, and under the control of the Impôts Department.

(13) A roofless building to the east of (12), belonging to Mr. D. P. Richardson of Rozel, Jersey.

(14) An isolated building, north of (12), belonging to Mr. J. C. Becquet, of St. Martin, Jersey.

(15) An isolated building, north of (14), belonging to Mr. J. T. Becquet.

(16) An isolated building, west of (3), owned by Mr. P. Guiton, of Gorey.

(17) An isolated building, west of (16), owned by Mr. W. Sarre, of Mont Felard.

(III) The following are the only buildings situate at the Minquiers :

(1) At the north end of the island is a wooden building erected in 1939 by French nationals.

(2) South of (1) are the foundations of a bungalow owned by Mr. W. S. Le Masurier, of St. Helier, Jersey. This bungalow was destroyed during the period 1940-45.

(3) South of (2) are the ruins of a building owned by the heirs of T. Gallichan, deceased, formerly of La Rocque, Jersey.

(4) South of (3) is a wooden three-roomed building, built in 1946 by order of the Harbours and Airport Committee, to provide shelter for fishermen.

(5) South of and adjoining (4) are two buildings, formerly together known as "the Hospital", owned by Mr. Coom of St. Helier, Jersey.

(6) South of (5), and separated from it by a foot-path, are two isolated roofless buildings owned by Mr. P. Guiton, of Gorey, Jersey.

(7) South of (6) is a granite building owned by the States of Jersey and under the control of the Harbour Authority.

(8) South of (7) are two buildings erected in a walled square, the whole being the property of the States of Jersey and under the control of the Impôts Department. The building in the south east corner of the square has for many years been known as "the Bailiff's house".

(9) To the west of (8), and having a party wall with the Impôts house, is a property owned by Mr. V. Richardson, of Gorey, Jersey.

(10) South of and adjoining (8) is a property, in disrepair, owned by Vice-Admiral E. de F. Renouf, of Jersey.

(11) South of (10), and adjoining its northern gable, is a ruin owned by Mrs. Grayson, née Pirouet, of 10, Sand Street, St. Helier, Jersey.

(12) South and east of (11) are the ruins of two buildings belonging to Mr. D. P. Richardson.

(13) South of (12), and near the southern end of the island, is an isolated building owned by Major R. J. B. Bolitho, of Rozel, Jersey.

(14) North-east of (13), and east of (12), are the ruins of two buildings belonging to Mr. P. H. Le Clercq, of La Rocque, Jersey.

(15) North of and adjoining (14) is a ruined building owned by Mr. C. Marie, of St. Helier, Jersey.

(16) North of and adjoining (15), is a building owned by Mr. C. Hamon, of Grouville, Jersey.

(IV) In 1939, a mooring buoy was placed in position to the south of Marmotière at the Ecréhos, some half cable's length from the landing rocks. It was replaced in the same position in 1947.

(V) The following Beacons and Buoys were erected or moored at the Minquiers during the years indicated in each case :

- A. Steel beacons surmounted by plaques bearing the words "Etats de Jersey" on—
 the "Maisons", in 1937,
 the "Pipettes", in 1937,
 the "Grand Vascelin" in 1937 and
 the "Puffin" in 1931 (the original wooden beacon being replaced by a steel beacon in 1937)

- B. Steel beacons without plaques on
 - the "Blanche Rocque", in 1931,
 - the "Manche à Brioché", in 1931,
 - the "Petit Gouillot", (the original wooden beacon erected in 1931 being replaced by a steel beacon in 1933),
 - the "Fontaines", in 1937,
 - the "Grune Tar", in 1937,
 - the "Demie", in 1937,
 - the "Coq", in 1938,
 - the "Rocher du Sud de Bas", in 1938, and
 - the "Rocher du Sud", in 1938.
- C. Wooden beacons without plaques on
 - the "Rocher du Nord Est", in 1937, and
 - the "Grune Gouillot", in 1937.
- D. An unlighted Buoy on
 - the "Demie de Vascelin", in 1934, (this buoy being last re-moored in position after overhaul in 1950).
- E. In 1913 an unlighted mooring buoy at the anchorage to the S. E. of the Maitresse Ile at about 1 cable's length from the foot of the slipway to which previous reference has been made, (this buoy being last re-moored in position after overhaul in 1950).

(VI) The buoys and beacons within the Minquiers reef have always, so far as I am aware, been maintained by the Piers and Harbours Committee. Flagstuffs at the Minquiers and at the Ecréhos are also maintained by the Piers and Harbours Committee. Many visits are made to the Islands, particularly to the Minquiers, by officers employed by the Committee, in addition to the visits made by the Committee itself.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] W. G. FURZER

Sworn by the above-named
William Garel Furzer in the
Island of Jersey this 20th day
of August in the year one
thousand nine hundred and
fifty-one before me,

[Signed] HEDLEY G. LUCE
Notary Public
Jersey.

ANNEX A 99

Records of Official Visits by Officers of the Island of Jersey to the Ecréhous Islets, 1885-1938¹

I, Francis de Lisle Bois, Greffier of the States of the Island of Jersey, hereby certify that Official visits made to the Ecrehos on the dates hereinafter specified are mentioned in the official records of the authorities concerned:—

By the Assembly of Governor, Bailiff and Jurats:

1885, 29th June.
1893, 28th June.
1896, 15th June.

By the Piers and Harbours Committee:

1910, 1st. June.
1921, 21st July.
1927, 5th September.
1934, 17th August.
1939, 11th August.
1947, 1st. August.

By the Finance Committee:

1936, 22nd September.
1938, 31st August.

[Signed] F. DE L. BOIS,
Greffier of the States.

ANNEX A 100

Affidavit of Brigadier R. M. H. Lewis, Secretary to the Government in the Island of Jersey, 20th August, 1951, upon the hoisting of the Union Jack and the personal flag of His Excellency the Lieutenant Governor of Jersey, after the British re-occupation of the Channel Islands, 1945

GOVERNMENT OFFICE,
JERSEY.

Affidavit of Brigadier R. M. H. Lewis, C.B.E., M.C., Secretary to the Government in the Island of Jersey.

I, the undersigned, Richard Maurice Hull Lewis, C.B.E., M.C., hereby make oath and say as follows:—

1. Since the year 1946 I have been Secretary to the Government in the Island of Jersey.

¹ Other official visits have taken place, which are not recorded, as, for example, that of the Lieutenant Governor, Bailiff and Jurats on the 31st July, 1893. See Annex C 13.

2. I am informed by His Excellency, Lieutenant General Sir Edward Grasett, K.B.E., C.B., D.S.O., M.C., Lieutenant Governor of Jersey, who assumed this office in 1945, on the re-establishment of the normal Constitutional Government in Jersey after the German Occupation, that he, in pursuance of what he deemed to be his official duty, paid official visits to the Ecrehos and to the Minquiers accompanied by a military guard, and was present at a ceremonial hoisting of the Union Jack on each group of Islands.

3. I am also informed by His Excellency, and it is to my knowledge, that he has subsequently made frequent official visits, both to the Minquiers and to the Ecrehos, sometimes in H.M. Ships and sometimes in other official transport, and that on the occasion of each visit, His Excellency's personal flag was hoisted on the permanent flagstaffs constructed on each group of Islands.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] R M H LEWIS

Sworn by the above-named
Richard Maurice Hull Lewis
in the Island of Jersey this
20th day of August in the
year one thousand nine
hundred and fifty one, before
me :

[Signed] HEDLEY G. LUCE Notary Public,
Jersey.

ANNEX A 101

**Letter from the Viscount of Jersey to the Lieutenant Governor of Jersey,
14th May, 1846, Giving Details of Houses on Maître Ile of the Ecréhous
Islets**

[*Foreign Office Papers, 27/3651*]

Viscount's Office 14 May 1846

Copy

My dear Sir Edward

I have made enquiries yesterday respecting the houses on Maitre Isle[sic] on the Ecreho Rocks, but as I could get no satisfactory information, I drove to St Martins this morning & found out the person who owns one of the houses. One Elizabeth Renen [?] married to John de Grudry¹. She was a poor widow with one son & a Mr Janrin[?] built the house for her & made her a present of it about 20 years since. She had a small garden, attached to it ; she has not been to it these 2 years past, & would sell the property.

¹ ? de Gruchy.

There is a fountain close by which supplies water for boiling vegetables but is not clear enough to make tea, but she consider[sic] it would be clean if sunk deeper & properly walled up.

The Simons of St Johns, a Mr Carcaud from Dolbel have houses there. Jersey people had huts there before she was born & constantly dry sea weed there in summer.

I have &c
W LE COUTEUR

His Excy
The Lt Governor

ANNEX A 102

Order of the German Commandant of Jersey, 2nd July, 1940, Prohibiting the Movement of Shipping, including Fishing Boats

[Orders of the Commandant of the German Forces in Occupation of the Island of Jersey]

8. No Boat or Vessel of any description, including any Fishing Boat, shall leave The Harbours or any other place where the same is moored, without an Order from the Military Authority, to be obtained at The Commandant's Office, Town Hall. All Boats arriving in Jersey, must remain in Harbour until permitted by the Military to leave.

The crews will remain on board. The Master will report to the Harbourmaster, St. Helier, and will obey his instructions.

[.....]

(Signed)

THE GERMAN COMMANDANT OF THE ISLAND OF
JERSEY July 2nd, 1940¹

ANNEX A 103

Appointment by the States of Jersey, 7th May, 1883, arising from Complaints of Jersey Fishermen of Illegal Fishing at the Ecréhous Islets by French Fishermen, of a Committee to Petition H.M. in Council on the Subject

[Acte des Etats de l'Île de Jersey, 7 Mai, 1883]

Considérant que l'Acte de Parlement 6^e et 7^{me} Victoria, C.79, intitulé, "Un Acte pour assurer l'exécution d'une Convention entre Sa

1883
Mai 7.

¹ A MS. note at the foot of the document reads as follows: "Ce 10 Juillet, 1940. En vertu de certain Acte de la Cour Royale en date de ces jour et an, j'ai publié la susdite Proclamation au lieu ordinaire. De quoi j'ai donné ce record

C SYDNEY LE GROS
Vicomte."

Majesté et le Roi des Français, touchant les Pêcheries dans les mers entre les Iles Britanniques et la France", daté le 22^{me} jour d'Août 1843, a été, depuis quelques années, constamment enfreint par des Pêcheurs Français qui se livrent à la Pêche aux Iles dites "les Ecréhos" appartenant et dépendant de la Paroisse de St Martin en la dite Ile de Jersey.—

Et considérant que cette conduite illégale des dits Pêcheurs Français cause un tort considérable aux pêcheurs de cette Ile et que si la dite Convention n'est pas mise à exécution il est fort à craindre que des querelles ne s'élèvent entre les Pêcheurs[sic] des deux Nations, qui pourraient conduire à des résultats fâcheux pour les deux pays : les Etats ont résolu de prier Sa Très Excellente Majesté en Conseil, de vouloir bien prendre le sujet en considération, afin que des mesures soient prises pour protéger les droits des Pêcheurs de cette Ile et empêcher les dits pêcheurs Français de s'ingérer à l'avenir d'aller pêcher dans les limites des Eaux Britanniques, c'est-à-dire, dans l'espace, à trois milles de la laisse de basse-mer des dites Iles "Ecrehos".—

Et les Etats ont nommé un Comité composé de William Laurence de Gruchy et John Vaudin Ec^{rs}, Jurés ; des Rév^{ds} Abraham Le Sueur, Recteur de Grouville et Rév^d Edouard Luce, Recteur de St^e Marie ; de Philippe Baudains Ec^r, Connétable de St Hélier et Reginald Raoul Lemprière Ec^r, Connétable de St Martin, et de Adolphus Hilgrove Turner Ec^r, Député de Grouville et Henry Edouard Le Vasseur dit Durell Ec^r, Député de St Hélier ;—avec prière à Monsieur le Président des Etats et à Messieurs les Officiers de la Couronne d'y assister ; lequel Comité est chargé de préparer une Représentation à Sa Majesté en Conseil à ce sujet et d'en faire rapport aux Etats dans le plus bref délai possible.—

ANNEX A 104

Approval by the States of Jersey of the Petition to H.M. in Council, and the Appointment of a Deputation, 21st May, 1883, concerning the Ecréhous Islets

1883

Mai 21.

[Acte des Etats de l'Ile de Jersey, 21 Mai, 1883]

Nomination d'une Députation chargée de se rendre à Londres pour appuyer auprès des Seigneurs du Conseil Privé de S. M., les revendications des Etats à l'égard des "Ecréhos."

Lecture ayant été donnée d'un acte, en date du 12 Mai courant, du Comité nommé le 7 Mai dernier¹, par les Etats, avec mission de préparer une Représentation à Sa Majesté en Conseil, dans la vue que les droits des pêcheurs de cette Ile soient protégés, en ce qui a rapport aux Iles des Ecréhos,—les Etats ont adopté ledit Acte et ont décidé de nommer une Députation composé de Josué George Falle, Ecuier, Juré-Justicier, du Révérend Edouard Luce, Recteur de St^e Marie, de Reginald Raoul Lemprière, Ecuier, Connétable de St Martin, de Adolphus Hilgrove Turner, Ecuier, Député de Grouville et de George Clément Bertram, Ecuier, Procureur-Général de la Reine, lesquels sont priés de se rendre à Londres pour appuyer, auprès des Seigneurs du Conseil Privé de Sa Majesté, la prière consignée dans l'Acte, à ce sujet, adopté par les Etats

¹ See Annex A 103.

le 7 Mai 1883 ; ladite Députation étant autorisée à prendre toutes les mesures qu'elle jugerait nécessaires pour la réussite de sa mission : Et les Etats ont, en même temps, prié Son Excellence le Lieutenant-Gouverneur de cette Ile, d'appuyer, de la manière qu'il jugera convenable les démarches que la Députation trouverait utile de prendre dans les circonstances.—

ANNEX A 105

Approval of the States of Jersey, 11th July, 1883, of the Report of the Delegation to the Privy Council, concerning the Ecréhous Islets

[*Acte des Etats de l'Ile de Jersey, 11 Juillet, 1883*]

Josué George Falle, Ecuier, Juré-Justicier, Président de la Députation nommée par les Etats le 21 Mai 1883¹, pour appuyer auprès des Seigneurs du Conseil Privé de Sa Majesté, les droits de cette Ile, en ce qui a rapport à la possession des Iles des Ecréhous, a aujourd'hui fait rapport aux Etats des mesures que la dite Députation a prise à ce sujet : Les Etats ont exprimé leur satisfaction de la marche suivie par la dite Députation.—

Iles des
Ecréhous.
Rapport du
Président de
la Députation.

ANNEX A 106

Affidavit of J. T. Becquet, Ecréhous Fisherman, 28th April, 1951, relative to Jerseymen who have Fished the Ecréhous since about 1840

Affidavit of Mr. Joe Thomas Becquet, Ecréhous Fisherman.

I, Joe Thomas Becquet, of The Barracks, Rozel, in the Island of Jersey, hereby make oath and say as follows :—

1. My grandfather, John Becquet, my father, Joseph Clement Becquet (who is still living) and myself have all spent our lives as fishermen at the Ecréhous.

My grandfather died 55 years ago as an old man and must have started fishing before 1840. I have always understood that there were Ecréhous fishermen before him.

2. There have always been a number of men whose wholetime occupation was fishing at the Ecréhous. I personally remember the following—

Philip Le Huquet, Fred Amy, Lias Whitley, Tom Blampied, Joe Blampied, Charles Blampied, Philip Pinel, Jack Mollet and Philip Marett.

At the present time, the men fully employed in fishing at the Ecréhous are Frank Blampied and his son, Frank, Ronald Blampied and myself.

3. In addition to full-time Ecréhous fishermen there has, of course, always been and still is a certain amount of fishing done at the Ecréhous by persons from Gorey and other parts of the Island who could not properly be called full-time Ecréhous fishermen.

¹ See Annex A 104.

4. The attached photograph¹ marked "A" is a photograph which has long been in the possession of my family, and shows a group of fishermen, with a Customs official and friends, at the Ecréhos. I have always been told that the persons numbered 1, 2, 3, 4, 5 and 6, are the following :—

- 1 and 2. Whitley, father and son.
- 3. My grandfather, then aged 53.
- 4. Mr. Le Huquet from Fliquet.
- 5. Mr. Fred Amy.
- 6. Mr. Bertram, of the Customs.

5. The oldest houses belonged to my grandfather, Tom Blampied, Charles Blampied, Lias Whitley, Philip Le Huquet and Philip Pinel ("King of the Ecréhos"). Formerly the fishermen used to stay at the Ecréhos for many days or a week at a time. Philip Pinel used to live there permanently and other fishermen used to take his fish and seaweed to market for him and return with his provisions. He used to come to Jersey only for a fortnight or so each year.

I myself sleep at the Ecréhos at present at least twice a week and the other fishermen do the same.

6. During my time the main catch has always been lobster and conger, caught in pots. During August I do a lot of fishing with nets and trammels.

7. I have never known much interference from the French. In 1926 or about that time the French tried to fish with pots as we did. We dumped their gear and reported the matter to the States. The French went off and have not, to my knowledge, tried again to fish with pots. About two years before the war they began to do a certain amount of low water fishing (not using pots), and they have continued to do a certain amount of this kind of fishing since the war.

8. During the war neither the French nor ourselves were allowed to do any fishing at the Ecréhos.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] J. T. BECQUET.

Sworn by the above-named
Joe Thomas Becquet in the
Island of Jersey this 28th day
of April in the year one
thousand nine hundred and
fifty-one, before me

[Signed] HEDLEY G. LUCE
Notary Public
Jersey.

¹ See Annex C 14.

ANNEX A 107

**Affidavit of S. England, Constable of the Parish of Grouville, Jersey,
5th May, 1951, upon the Inclusion of the Minquiers in the Parish of
Grouville, and the Assessment of Houses there for the purposes of the
Parochial Rate**

I, Stanley England, of Glenroyd, La Rocque, in the Parish of Grouville, in the Island of Jersey, make oath and say as follows :—

1. I am the Constable of the said Parish of Grouville and have been a member of the Honorary Police of that Parish since the year 1933.

2. I was a member of the Committee responsible for the assessment of rates in the said Parish from the year 1941 to 1946.

3. I have always understood that the Minquiers form part of the Parish of Grouville for administrative purposes and that parochial rate has been paid to the Parish of Grouville in respect of certain of the houses situate on the Minquiers.

4. The old records of the Parish specifying the properties on which rates were assessed were destroyed in 1941 when a new Parish Hall was occupied.

The records relating to the years 1939 to 1950, which are the only records now existing, shew that rate was paid in respect of certain houses on the Minquiers during that period.

In the year 1939, for example, assessments were made in respect of buildings situate at the Minquiers owned by Messrs. O. P. Hamon and W. S. Le Masurier, and in the year 1950, assessments were made in respect of buildings owned by Vice-Admiral E. de F. Renouf and Mr. W. S. Le Masurier.

5. As Centenier of the Parish of Grouville, I was the responsible Police Officer in connection with the inquest held on the 27th March, 1948, on the body of Frederick Clarence Hansford who had died at the Minquiers.

6. Although I understand that the Minquiers were previously included in the Parish of Grouville for the purposes of the Census, no visit, for the purpose of the Census, was made to the Minquiers this year, as it is known that no one is residing there at the present time.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] S. ENGLAND

Sworn by the above-named
Stanley England in the Island
of Jersey this 5th day of May
in the year one thousand
nine hundred and fifty-one,
before me,

[Signed] HEDLEY G. LUCE
Notary Public
Jersey

ANNEX A 108

**Affidavit of T. J. Bree, Jurat of the Royal Court of Jersey, 2nd May, 1951,
upon the Inclusion of the Minquiers Islets in the Parish of Grouville,
Jersey, and the Assessment of Houses there for the purposes of
Parochial Rate**

I, Touzel John Bree, O.B.E., of Sunnyholme, Fauvic, in the Parish of Grouville in the Island of Jersey, make oath and say as follows :—

1. I am at the present time a Jurat of the Royal Court of Jersey.
2. I was a "Centenier" (Honorary Police Officer) of the Parish of Grouville aforesaid from 1910 to 1929.
3. I was also an "Expert", for the purposes of assessment of the Parochial Rate of the said Parish, from 1930 to 1939.
4. I have always understood that the Minquiers Islets were included, for administrative purposes, in the "Vingtaine" of La Rocque, in the said Parish of Grouville.
5. In the year 1921 I was required by the Constable of the Parish to visit the Minquiers as an enumerator for the purposes of the Census which was taken throughout the British Isles in that year.
6. I remember that, during my period of office as an "Expert", owners of certain buildings situate on the Maitresse Ile of the Minquiers were assessed to, and paid, Grouville parish rate in respect of those buildings¹. Bona fide fishermen who occupied buildings on the Islet were not so assessed.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] T. J. BREE.

Sworn by the above-named
Touzel John Bree, in the
Island of Jersey, this 2nd day
of May in the year one thousand
nine hundred and fifty-
one, before me

[Signed] HEDLEY G. LUCE
Notary Public
Jersey.

¹ See Annexes A 110, A 111 and A 112.

ANNEX A 109

Affidavit of W. S. Le Masurier of St. Helier, Jersey, 4th June, 1951, relating to Building by two French Nationals, M. Le Roux and "Marin Marie", on Maitresse Ile of the Minquiers Islets, and to Jersey Fishermen frequenting the Islets

I, William Smythe Le Masurier, Solicitor, of number twenty-three Hill Street, St. Helier, Jersey, make oath and say as follows :—

I am a Solicitor of the Royal Court of Jersey and have been in practice in the Island for upwards of forty-nine years.

I have always been a keen amateur sailor and fisherman and have been the owner of yachts since about 1926. I first started visiting the Minquiers in 1917 and continued to visit the reef regularly up to the outbreak of war in September 1939, staying there for sometimes up to two weeks and more with friends and members of my family.

In 1929, a French Banker by the name of Le Roux started building on the Maitresse Ile but was stopped as a result I have always understood of representations made to the French Government. The building had progressed only to the construction of a low stone wall¹ which was to have been on completion a protective wall for a hut to be built within its limits.

Having always wished to acquire a hut on Maitresse Ile and there being none of the Jersey Fishermens' huts for sale, my partner, Advocate Harold Walter Giffard who was a keen amateur fisherman and I decided in 1931 to approach Monsr. Le Roux with a view to acquiring from him the wall which he had begun. Monsr. Le Roux informed us that as the walls could be of no further use to him we could have them for whatever purpose we wished. We therefore instructed a local boat builder to erect a hut on the walls left by Monsr. Le Roux. This hut, which is shown on the attached three photographs² and marked by me was completed in the Summer of 1932.

After the completion of the hut, I acquired my partner's share therein and I visited the reef several times every year often staying a week or two. Members of my family and their friends stayed for longer periods. The hut was rated in the Parish of Grouville and I paid the annual rate levied upon it.

Up to the outbreak of war, we very seldom saw any French fishermen within the outer limits of the reef, and the first as far as I am aware who regularly fished there and this for the purpose of line fishing for whiting only was a Monsr. Viot from Cancale who began in 1937 or 1938.

In 1939 I went to the Maitresse Ile for the weekend and on our arrival we found a large number of French Yachts brought up in the anchorage and a party of some twenty individuals ashore busily engaged in erecting a hut adjacent to my own. I endeavoured then to ascertain who was the leader of the party but this information was refused. I now know that it was a French Marine Artist well known in Yachting circles under the

¹ See Annex C 20 ; also letter of the late Sir Bertram Falle, M.P., who took the photograph : Annex A 136.

² One of these has been selected. See Annex C 15.

pseudonym of "Marin Marie". On my return to Jersey, I immediately reported the matter to the Bailiff and the Lieutenant Governor.

During the German occupation of the Island visits to the reef were prohibited except for occasional escorted trips during spring tides but my son who was the first Allied Officer to visit the Islands of Chausey in August 1944 ascertained that the fishermen there had been permitted to fish the Minquiers for a considerable period during the war.

After the Liberation of Jersey, it was found that a number of the huts belonging to local fishermen had been damaged and my own had completely disappeared with its contents which included a quantity of fishing gear and a dinghy. The French hut was undamaged.

During the whole of the time that I have known the reef and up to the occupation in 1940 it has been regularly fished by fishermen from Jersey many of whom owned huts on the Maitresse Île and lived there for long periods, returning to Jersey only for the purpose of obtaining provisions and landing their catches usually at weekends.

I would add that for very many years I was a Deputy of the States of Jersey and served for much of that time as a member of the Piers and Harbours Committee (now the Harbours and Airport Committee). The Committee maintained a small granite house on the Maitresse Île and also the beacons erected within the limits of the reef. It was not until the incident in 1939 to which I have referred that I was aware that the French authorities claimed any rights whatsoever in the reef.

[Signed] W. S. LE MASURIER.

SWORN by the said William Smythe Le
Masurier this fourth
day of June one thousand
nine hundred and fifty-one

before me

[Signed] LYNDON RIVE.

Notary Public

ANNEX A 114

Inquest, 31st August, 1938, upon two Skeletons found at the Minquiers Islets

[Rôles de La Cour Royale de Jersey, 3 Septembre, 1938]

Lecture ayant été donnée de certain Rapport du Vicomte contenant le Procès Verbal de l'Enquête de Levée de Corps qu'il a tenue en vertu d'un Ordre du Bailli en date du 30 Août, 1938, sur des ossements humains trouvés aux Minquiers, la Cour conformément aux conclusions de l'Avocat Général du Roi, a ordonné l'enregistrement dudit Rapport aux Rôles de la Cour Royale.

DUQUEL RAPPORT LA TENEUR SUIT :—

Ce 31 Août, 1938. En vertu de l'Ordre d'autre côté, je me suis rendu sur les lieux où gisent lesdits ossements humains où j'ai appelé douze hommes,

Rating Schedule of 1939 for Buildings belonging to O. P. Hamon, on Maîtrese Ile of the Minquiers Islets,
within the Parish of Grouville, Jersey

		(NOM DU PROPRIETAIRE) (Name of Proprietor in full)	(DEMEURE) (Residence)	(NATIONALITE) (Nationality)	POUR L'USAGE DES EXPERTS SEULEMENT. For the 'Appraisers' use only.																	
Année 1939 . PAROISSE DE GROUVILLE.—Maisons, Edifices et Terres appartenant à <i>Osmond Philip Hamon</i> In the year 1939 . PARISH OF GROUVILLE. Houses, Buildings and Lands belonging to			"Glenroyd"	British	EVALUATION DES EXPERTS					POUR LE RAT D'OCCUPANTS												
No. d'Ordre.	Description, indiquant les tenants et aboutissants d'un côté au moins, et le nom particulier, s'il y en a, de chaque Maison, Edifice et Pièce de terre. Description, stating the boundaries on one side at least, and the name, if any, of each house, building and plot of land.	Vingtaine, et la Rue ou Chemin sur lequel la propriété borde. Vingtaine, and the Road or Street on which the property borders.	Mesure, y compris les fossés et reliefs. Measurement, including the hedges and sets-off. V. P. P.	Loyer. Rental. £ s. d.	Nom et adresse des Locataires. Name and address of Tenants or Occupiers.	A quelle charge sont les réparations et autres remarques. Who is charged with the repairs, and other remarks.	Valeur Locative des Maisons			Valeur Locative des Terres par Vergée.			TOTAL			Valeur Imposable.						
No.							£	s.	d.	£	s.	d.	£	s.	d.	Qrs.	£	s.	d.	Qrs.		
	House known as "Glenroyd" Bordering. Coast Road " Seashore. Wooden Outbuilding used as Garage.	La Rocque Vingtaine Coast Road	16 —		Proprietor	Proprietor							70			47				49		
	One Hut or Fisherman's House at Minquiers Bordering North. Mr. G. Marie's Hut. " South. New Impôt Building. East. Slipway	Area Approx. 24 sq. feet		— — —	Occupied by Brothers Gallichan.	Minor Repairs done by the fishermen who use these huts							5							2		
	One other as above known as L'hopitale" Bordering North. Mr. T. E. Gallichan's hut " South passage way. Window facing East Door " West.	Approx. 30 sq. feet.		— — —	as above. No Rental Charged								2									
Je, soussigné, déclare que la liste ci-dessus des Maisons, Edifices et Terres, dont je suis le propriétaire, dans la paroisse de Grouville, dressée sur la réquisition du Connétable, est juste et fidèle. I the undersigned, declare that the above list of Houses, Buildings and Lands of which I am the proprietor, in the parish of Grouville, prepared at the request of the Constable, is faithful and true.																						
													TOTAL DES DEDUCTIONS	79 31	12							
Date. Le 12 ^{eme} jour de Janvier 1939.														£	47	8						
(Names and Addresses to be written in full).																						
Signature O. P. Hamon.																						

Rating Schedule of 1939 for a Wooden Hut belonging to W. S. Le Masurier, on Maitresse Ile of the Minquiers Ilets,
within the Parish of Grouville, Jersey.

		(NOM DU PROPRIETAIRE) (Name of Proprietor in full)	(DEMEURE) (Residence)	NATIONALITE (Nationality)	POUR L'USAGE DES EXPERTS SEULEMENT. For the Appraisers' use only.															
Année 1939. PAROISSE DE GROUVILLE.—Maisons, Edifices et Terres appartenant à Monsr. Wm. Smythe Le Masurier In the year 193 . PARISH OF GROUVILLE. Houses, Buildings and Lands belonging to			23, Hill Street,	Sujet Britannique	EVALUATION DES EXPERTS							POUR LE RAT D'OCCUPANTS								
No. d'Ordre.	Description, indiquant les tenants et aboutissants d'un côté au moins, et le nom particulier, s'il y en a, de chaque Maison, Edifice et Pièce de terre.	Vingtaine, et la Rue ou Chemin sur lequel la propriété borde.	Mesure, y compris les fossés et reliefs.	Loyer.	Nom et adresse des Locataires.	A quelle charge sont les réparations et autres remarques.	Valeur Locative des Maisons			Valeur Locative des Terres par Vergée.			TOTAL			Valeur Imposable				
No.	Description, stating the boundaries on one side at least, and the name, if any, of each house, building and plot of land.	Vingtaine, and the Road or Street on which the property borders.	Measurement, including the hedges and sets-off.	Rental.	Name and address of Tenants or Occupiers.	Who is charged with the repairs, and other remarks.	£	s.	d.	£	s.	d.	£	s.	d.	Qrs.	£	s.	d.	Qrs.
	<i>Certaine maisonnette en bois bâtie sur la Maitresse Ile du Plateau des Minquiers</i>				<i>Le Propriétaire</i>	<i>Le Propriétaire</i>							4			4				
<p>Je, soussigné, déclare que la liste ci-dessus des Maisons, Edifices et Terres, dont je suis le propriétaire, dans la paroisse de Grouville, dressée sur la réquisition du Connétable, est juste et fidèle. I the undersigned, declare that the above list of Houses, Buildings and Lands of which I am the proprietor, in the parish of Grouville, prepared at the request of the Constable, is faithful and true.</p> <p style="text-align: center;">FOR AND ON BEHALF OF LE MASURIER, GIFFARD AND POCH. Signature <i>R. H. Le Masurier.</i></p>							TOTAL DES DEDUCTIONS													
Date. Le 2 Jan. 1939 jour d..... 193 .																				
(Names and Addresses to be written in full).																				

Rating Schedule of 1950 in respect of Property of Jersey Residents in the Parish of Grouville, Jersey, at Maitresse Ile of the Minquiers Islets

In the year 1950		Parish of Grouville	Vice Admiral Edward de Faye (Name of Owner in full) <i>Renouf, C.B., C.V.O.</i>		"Manleys" St. Peters. (Residence)	(Nationality)	For use of Parochial Assessment Committee only.																						
No.	Description, stating the boundaries, on one side at least, and the name, if any, of each house, building and plot of land.	Vingtaine and the road or street on which the property borders.	Measurements including the hedges and set-offs.			Annual Rental.	Name and Address of Occupier. (If property un-occupied facts should be stated.)	Remarks.	"Foncier."				"Occupiers."																
			Assessed rental value of Houses.	Assessed rental value of Buildings including glass-houses.	Lands assessed @ per Vergee.				Assessed rental value of Lands.	Total.	No. of	Assessed rental value of Houses.	Assessed rental value of Buildings including glass-houses.	Lands assessed @ per Vergee.	Assessed rental value of Lands.	Total.	No. of												
																		£	s.	£	s.	£	£	s.	Qrs.	£	£	s.	£
	<i>A certain house with the land in front.</i>	<i>Maitresse Ile Les Minquiers Dependency of this Island.</i>					<i>The Proprietor</i>			5							3											1	
I, the undersigned, declare that the above is a complete list of the Houses, Buildings and Lands of which (I am) the owner (within the meaning of Article 1 the Parish Rate (Administration) (Jersey) Law, 1946), in the Parish of Grouville, and that the foregoing particulars are fully and truly stated, to the best of my judgment and belief.																													
Date. The 16th day of February 1950.																													
Signature <i>Renouf Ercant & Gibaut acting</i>																													

(NAMES AND ADDRESSES TO BE WRITTEN IN FULL).

Rating Schedule of 1950 in respect of Property of Jersey Residents in the Parish of Grouville, Jersey, at Maitresse Ile of the Minquiers Islets

In the year 1950 Parish of Grouville Monsr. William Smythe Le Masuvier 23. Hill Street Jersey British (Nationality)
(Name of Owner in full) (Residence)

For use of Parochial Assessment Committee only.

No.	Description, stating the boundaries, on one side at least, and the name, if any, of each house, building and plot of land.	Vingtaine and the road or street on which the property borders.	Measurements including the hedges and set-offs.			Annual Rental.	Name and Address of Occupier. (If property unoccupied facts should be stated.)	Remarks.	"Foncier."					"Occupiers."																		
			V.	P.	F.				Assessed rental value of Houses.	Assessed rental value of Buildings including glass-houses.	Lands assessed @ per Vergée.	Assessed rental value of Lands.	Total.	No. of	Assessed rental value of Houses.	Assessed rental value of Buildings including glass-houses.	Lands assessed @ per Vergée.	Assessed rental value of Lands.	Total.	No. of												
			£	s.	£																s.	£	£	s.	£	s.	Qrs.	£	£	s.	£	s.
	<i>Certaine maisonnette en bois bâtie sur la Maitresse Ile du Plateau des Minquiers</i>		—	—	—	—	—	Destroyed	4							2											1					
<p>I, the undersigned, declare that the above is a complete list of the Houses, Buildings and Lands of which I am the owner (within the meaning of Article 1 the Parish Rate (Administration) (Jersey) Law, 1946), in the Parish of Grouville, and that the foregoing particulars are fully and truly stated to the best of my judgment and belief.</p> <p>Date. The <i>fifteenth</i> day of <i>January</i> 1950. Signature <i>P. A. Poch, Agt</i></p>								£																						£		

(NAMES AND ADDRESSES TO BE WRITTEN IN FULL).

Follows page 324

savoir : Messrs. Edmond de Laquaine, Charles Edward Perry, William Charles Hambly, George Elliott, Walter Philip Perrée, Henry Boorn Thomas, Cecil Ernest Simon, Philip Henry De La Perrelle, Walter De Ste Croix, William Albert Blampied, Frederick Charles Clement Cudlipp et William Albert Jeandron, auxquels, en présence de l'Avocat Général du Roi stipulant l'Office de Procureur Général du Roi, j'ai administré serment. Après que lesdits hommes ont vu lesdits ossements humains et entendu le Centenier Charles Le Huquet, de Grouville, le Docteur Brendan Bartholomew Kennedy, et Mr. Joseph Marie Le Feuvre par serment sur le sujet, ils ont, d'opinion uniforme, déclaré qu'ils croient en leurs consciences que lesdits ossements humains proviennent de deux squelettes, l'un d'un enfant en dessous de cinq ans, l'autre d'un adulte de vingt à trente ans, et qu'ils furent trouvés Vendredi le vingt-six Août, mil neuf cent trente-huit, sur la Maitre Ile, aux Minquiers, au cours de travaux d'excavation et apportés dans l'Ile Mardi le Trente Août, sur les Ordres de Monsieur le Bailli, mais qu'il a été impossible d'établir ni le sexe, ni la cause, ni la date de la mort qui, dans l'opinion du médecin, remontait certainement à plus de cinquante ans, ni comment ces ossements furent enterrés à l'endroit où ils ont été trouvés.

De quoi je fais ce présent rapport.

(signé) C. SYDNEY LE GROS,
Vicomte.

ANNEX A 115

Inquest, 30th March, 1948, upon F. C. Hansford, who died at the Minquiers Islets

[*Rôles de la Cour Royale de Jersey, 31 Mars, 1948*]

Lecture ayant été donnée de certain Rapport de Herbert Vyvian Benest Esq, Sergent de Justice, stipulant l'Office de Vicomte, contenant le Procès Verbal de l'Enquête de Levée de Corps, qu'il a tenue en vertu d'un Ordre du Bailli en date du 25 Mars 1948, sur le cadavre de FREDERICK CLARENCE HANSFORD, la Cour, conformément aux conclusions de l'Avocat Général du Roi, stipulant l'Office de Procureur Général du Roi, a ordonné l'enregistrement dudit Rapport aux Rôles de la Cour Royale.

Duquel Rapport la teneur suit :—

Ce 27 Mars, 1948. En vertu de l'Ordre d'autre côté, je me suis rendu sur les lieux où gît ledit cadavre où j'ai appelé douze hommes savoir :— Messrs. Edmond de Laquaine, Walter Le Brocq, Lysle Martin Bourke, Sainthill Percy Templeman Lindsey, Reginald Stanley Turner, Walter Philip Perrée, Peter Louis Nolais, John George Lidstone, Walter Auguste William Lenoir, Louis Varaillon, John William Laurens et William Herbert Osment auxquels, en présence du Procureur Général du Roi, j'ai administré serment. Après que lesdits hommes ont vu ledit cadavre et entendu les Docteurs Francis Gordon Maitland et Arthur Ernest Mourant, les Centeniers John de Gruchy Le Brun de St Hélier et Stanley England de Grouville, le Docteur Raymond Leonard Osmont, et Messrs. Léon

1948.
Mars 31.

François Duhamel, Clarence Teague, John Joseph de la Noë, Reginald Harry Quérée et Mr Roy Frederick Hansford par serment sur le sujet, j'ai remis la continuation de l'Enquête à un autre jour afin de donner occasion à un médecin de faire une autopsie dudit cadavre. Et aujourd'hui, Mardi le 30 Mars, 1948, lesdits hommes ont derechef comparu devant moi et après entendu ledit Docteur Osmont, lequel a fait ladite autopsie, ils ont, d'opinion uniforme, déclaré qu'ils croient en leurs consciences que ledit cadavre est celui de Frederick Clarence Hansford, âgé de cinquante-cinq ans et un mois, natif de la paroisse de St Hélier, en cette Ile, et qu'il est mort subitement Jeudi le vingt-cinq Mars, mil neuf cent quarante-huit, aux Minquiers, dépendances de la paroisse de Grouville, où il s'était rendu à la pêche ; la mort étant due à une affection cardiaque.

De quoi je fais ce présent Rapport.

Signé). H. V. BENEST.
Sergent de Justice.
stipulant l'Office de Vicomte.

ANNEX A 116

Contract for Sale by J. F. Le Clercq to the Assembly of the Governor, Bailiff and Jurats of the Island of Jersey, 19th June, 1909, of a House on Maitresse Ile of the Minquiers Islets

[Registre Public de l'Ile de Jersey, Livre 352, Folio 152]

Mr John
Francis Le
Clercq

Et
Les Adminis-
trateurs des
Revenus des
Impôts de
cette Ile.

Transférée
aux Etats à
partir du
1^{er} janvier
1922 en vertu
de l'Art : 1. de
la Loi (1921)
transférant
aux Etats les
pouvoirs et
devoirs biens
meubles et
immeubles
obligations

LETTRE passée pardevant Messire William Henry Venables Vernon, Chevalier, Bailli de l'Ile de Jersey, présens Edouard Charles Malet de Carteret et Charles Jean Benest, Ecuiers, Jurés, datée l'an mil neuf cent neuf, le dix-neuvième jour de Juin ; COMME Mr John Francis Le Clercq, fils John, d'une part ; Et Henry Edward Le Vavasseur dit Durell Ecuier Avocat Général du Roi, Stipulant l'Office de Procureur Général du Roi et Ernest Le Sueur Ecuier Greffier de la Cour Royale et des Etats, Autorisés des Administrateurs des Revenus des Impôts de cette Ile et agissant en vertu de certain Acte de l'Assemblée des Gouverneur, Bailli et Jurés, Administrateurs des Impôts en date de l'an mil neuf cent neuf le dix-septième jour de Juin d'autre part ; Lequel Mr John Francis Le Clercq de sa libre volonté Vendit à fin d'héritage pour lui et ses hoirs auxdits Sieurs Avocat Général du Roi Stipulant l'Office de Procureur Général du Roi et Greffier de la Cour Royale et des Etats, Autorisés comme dit est pour et au nom desdits Administrateurs des Revenus des Impôts certain édifice ou Maison connu sous le nom de "Polka" avec le petit bel ou terrain en devant, joignant par le Sud-Est partie à la propriété de Mons^r. Edward Binet Renouf et au reste de ce côté à un certain terrain appartenant auxdits Administrateurs des Revenus des Impôts ayant droit dudit Mons^r Edward Binet Renouf par contrat de ce jour [et] an, par le Nord-Ouest à la propriété de Mr Philippe Mourant ou qui a droit et bordant par le Nord Est sur le chemin conduisant à la Charrière à l'Ane sur la Maitresse Ile des Minquiers dépendant de cette Ile¹ et du

¹ i.e., Jersey.

Fief de Sa Majesté ou autre Fief et généralement tout et autant de propriété comme il en appartient audit Vendeur en ces lieux-là sans aucune réserve ni retenue quelconque. A la charge auxdits Autorisés pour et au nom desdits Administrateurs des Revenus des Impôts de se conformer à toutes et telles conditions et restrictions auxquelles ledit Vendeur était sujet pour et à cause de ladite propriété à laquelle il avait droit de Mons^r. Ernest Morrison par contrat en date de l'an mil neuf cent cinq le premier jour de Juillet, lequel y avait droit de M^r Charles Le Riche par contrat en date de l'an mil huit cent nonante-six le trente Mai, lequel Sieur Le Riche y avait droit par simple contrat des héritiers de feu M^r Frederick Pirouet. Ladite Vente héréditaire faite par le prix et somme de Vingt-cinq livres Sterling pour une fois payer que lesdits Autorisés pour et au nom desdits Administrateurs des Revenus des Impôts paieront audit Vendeur en espèces toutes fois et quantes. Au reste le tout franc et quitte de toutes rentes et redevances sauf les Droits Seigneuriaux. Possession du contenu des prémisses présentement et ensuite à fin d'héritage. Partant s'obligèrent lesdites parties savoir : ledit Vendeur pour lui et ses hoirs et lesdits Autorisés pour et au nom des Administrateurs des Revenus des Impôts à la fourniture et garantie réciproque du contenu des prémisses selon droit. Et Jurèrent lesdites parties &^{ca}.

etc. de
l'Assemblée
des Gouver-
neur Bailli et
Jurés[sic]

ANNEX A 117

Contract for Sale by E. B. Renouf to the Assembly of the Governor, Bailiff and Jurats of the Island of Jersey, 19th June, 1909, of Land on Maitresse Ile of the Minquiers Islets

[*Registre Public de l'Ile de Jersey, Livre 352, Folio 152*]

LETTRE passée pardevant Messire William Henry Venables Vernon, Chevalier, Bailli de l'Ile de Jersey, présens Edouard Charles Malet de Carteret et Charles Jean Benest, Ecuiers, Jurés, datée l'an mil neuf cent neuf, le dix-neuvième jour de Juin ; COMME Mons^r Edward Binet Renouf, fils Thomas, d'une part ; Et Henry Edward Le Vavasseur dit Durell Ecuier Avocat Général du Roi stipulant l'Office de Procureur Général du Roi et Ernest Le Sueur, Ecuier, Greffier de la Cour Royale et des Etats Autorisés des Administrateurs des Revenus des Impôts de cette Ile, et agissant en vertu de certain Acte de l'Assemblée des Gouverneur Bailli et Jurés, Administrateurs des Impôts en date de l'an mil neuf cent neuf le dix-septième jour de Juin d'autre part ; Lequel Mons^r Edward Binet Renouf de sa libre volonté Vendit, quitta, Cêda et Transporta à fin d'héritage pour lui et ses hoirs, auxdits Sieurs Avocat Général du Roi Stipulant l'Office de Procureur Général du Roi et Greffier de la Cour Royale et des Etats Autorisés comme dit est pour et au nom desdits Administrateurs des Revenus des Impôts un certain terrain joignant par le Sud Est à la propriété de M^r Philippe John Gallichan, par le Sud Ouest, partie à la propriété de M^r David Patten Vincent, au droit, de M^r Charles Hamon, et au reste de ce côté à celle dudit Vendeur, par le Nord Ouest à celle desdits Administrateurs des Revenus des Impôts ayant droit de M^r John Francis Le Clercq par contrat de ce jour et an,

Mons^r
Edward Binet
Renouf
Et
Les Adminis-
trateurs des
Revenus des
Impôts de
cette Ile.

Transférée aux
Etats à partir
du 1 Janvier
1922 en vertu
de l'Art : 1 de
la Loi (1921)
transférant
aux Etats les
pouvoirs et
devoirs biens

meubles et
immeubles
obligations
etc de
l'Assemblée
des Gouver-
neur Bailli et
Jurés.

et bordant par le Nord-Est sur le chemin qui conduit à la Charrière à l'Ane ; le tout qu'il est avec autant de droits appartenances et dépendances comme en peut appartenir situé sur la Maîtresse Ile des Minquiers dépendant de cette Ile ¹ et du Fief de Sa Majesté ou autre Fief. A la charge auxdits Autorisés pour et au nom desdits Administrateurs des Revenus des Impôts de se conformer à toutes et telles conditions et restrictions auxquelles ledit Vendeur était sujet pour et à cause dudit terrain, auquel il avait droit de M^r Philippe John Gallichan par contrat en date de l'an mil neuf cent huit le vingt-un[*sic*] Mars, lequel était au droit de M^r George Bisson Ladite Vente Cession et Transport héréditaire faite pour et à condition que lesdits Administrateurs des Revenus des Impôts acquittent et déchargent les droits Seigneuriaux. Au reste ledit terrain franc et quitte de toutes rentes et redevances. Possession du contenu des prémisses présentement et ensuite à fin d'héritage. Partant s'obligèrent lesdites parties savoir : ledit Vendeur pour lui et ses hoirs et lesdits Autorisés pour et au nom desdits Administrateurs des Revenues des Impôts à la fourniture et garantie réciproque du contenu des prémisses selon droit. Et Jurèrent lesdites parties &^{ca}.

ANNEX A 118

Contract for Sale by C. Le Riche to E. Morrison, 30th May, 1896, of a House and Land on Maître Ile of the Minquiers Islets

[*Registre Public de l'Ile de Jersey, Livre 320, Folio 55*]

M^r Charles
Le Riche
Et
Mons^r Ernest
Morrison.

LETTRE passée pardevant Messire George Clément Bertram, Chevalier, Bailli de l'Ile de Jersey, présens Clément Auguste de Quetteville et Gervaise le Gros Ecuiers, Jurés, datée l'an mil huit cent nonante-six le trentième jour de Mai ; COMME M^r Charles Le Riche fils Philippe, d'une part ; Et Mons^r Ernest Morrison fils George d'autre part ; Lequel M^r Charles Le Riche de sa libre volonté BAILLA et VENDIT à fin d'héritage pour lui et ses hoirs audit Mons^r Ernest Morrison pour lui et ses hoirs certain édifice ou Maison connu sous le nom de "Polka," avec le petit bel ou terrain en devant, situé entre les édifices ou Maisons appartenant, respectivement, du côté Sud à M^r Elie Bisson et du côté Nord à M^r Philippe Mourant, lesdits édifices ou Maisons se trouvant au Sud de la Charrière à L'Ane sur le Maître Ile des Minquiers dépendant de cette Ile et du fief de Sa Majesté ou autre fief. A la charge audit Preneur et Acquéreur de se conformer à toutes et telles conditions et restrictions auxquelles ledit Bailleur et Vendeur était sujet, pour et à cause de ladite propriété, à laquelle il avait droit par acquêt, par simple contrat, des héritiers de feu M^r Frédéric Pirouet. LEDIT BAIL et VENTE héréditaire fait par le prix et somme de Trois livres quinze chelims Sterling pour une fois payer ; laquelle somme ledit Bailleur et Vendeur a reconnu avoir reçue dudit Preneur et Acquéreur. Au reste le tout franc et quitte de toutes rentes ou redevances sauf les droits Seigneuriaux. POSSESSION de ladite propriété présentement et ensuite à fin d'héritage. Partant s'obligèrent lesdites parties pour elles et leurs hoirs à la fourniture et

¹ *i.e.*, Jersey.

garantie réciproque du contenu des prémisses selon droit. ET JURÈ-
RENT lesdites parties &c^a.

ANNEX A 119

**Contract for Sale by F. Mallet to J. B. Bolitho, 6th March, 1926, of a
House on Maîtresse Ile of the Minquiers Islets**

[*Registre Public de l'Ile de Jersey, Livre 397, Folio 185*]

LETTRE passée pardevant Philippe Aubin, Ecuier, Lieutenant de Messire William Henry Venables Vernon, Chevalier et Chevalier Commandeur de l'Ordre de l'Empire Britannique, Bailli de l'Ile de Jersey présents, Reginald Raoul Lemprière et George James Pepin, Ecuiers, Jurés, datée l'an mil neuf cent vingt-six, le sixième jour de Mars, COMME :—Mr François Mallet, fils Charles, d'une part ; Et John Bruce Bolitho Ecr, fils Edward Alverne, d'autre part ; Lequel Mr François Mallet de sa libre volonté VENDIT à fin d'héritage, pour lui et ses hoirs, audit John Bruce Bolitho. Ecr, pour lui et ses hoirs, une certaine Maison connue sous le nom de "La Pointe", située à l'extrémité^[sic] Sud de la Maîtresse^[sic] Ile des Minquiers, dépendance de cette Ile ¹, le tout tel qu'il est avec autant de droits appartenances et dépendances comme en peuvent appartenir. A laquelle propriété ledit Vendeur avait droit par acquêt (par accord particulier) en mil neuf cents ou environ. Ladite Vente faite par le prix et somme de Vingt-cinq Livres Sterling, pour une fois payer, laquelle somme ledit Vendeur a reconnu avoir reçu. Possession de laquelle propriété présentement et ensuite a fin d'héritage. Partant s'obligèrent les dites parties pour elles et leurs hoirs à la fourniture et garantie réciproque du contenu des prémisses selon droit. Et Jurèrent lesdites parties, &c^a

Mr François^[sic]
Mallet
Et
John Bruce
Bolitho, Ecr.

ANNEX A 120

**Contract for Sale by B. R. Vincent to V. R. Richardson, 8th October,
1932, of a House on Maîtresse Ile of the Minquiers Islets**

[*Registre Public de l'Ile de Jersey, Livre 414, Folio 226*]

LETTRE passée pardevant Charles Edward Malet de Carteret, Ecuier, Seigneur du Fief et Seigneurie de Saint Germain, Handois, les quatorze quartiers ou Garis, Bailli de l'Ile de Jersey, présents, Reginald Malet de Carteret et James Horman Le Boutillier, Ecuiers, Jurés, datée l'an mil neuf cent trente-deux, le huitième jour d'Octobre. Comme :—Monsr Carlyle Le Gallais, Procureur dûment fondé de Monsr Barkley Ross Vincent, fils David Patton, comme paraît par Procuration passée à Londres en Angleterre l'an mil neuf cent trente-deux, le vingt-huitième

Monsr
Barkley Ross
Vincent
Et
Vivian Ralph
Richardson
Gent.

¹ i.e., Jersey.

jour de Septembre et insinuée au Registre Public de cette Ile¹, d'une part. Et Vivian Ralph Richardson Ge^{nt}, fils Philip Norman, d'autre part— Lequel Procureur dudit Mon^s Barkley Ross Vincent de sa libre volonté Bailla et Vendit à fin d'héritage, pour et au nom de sondit Constituant et pour ses hoirs, audit Vivian Ralph Richardson Ge^{nt}, pour lui et ses hoirs, une certaine maison que fit ériger M^r Charles Hamon, fils Thomas avec le terrain en devant, joignant par le Sud et par l'Est à la propriété des hoirs de feu Edward Binet Renouf, Ec^r. par le Nord à certain chemin ou passage et faisant face par l'Ouest au Rocher à la Bête,—le tout tel qu'il est avec tout et autant de droits comme en peut appartenir situé sur la Maîtresse Ile des Minquiers, dépendance de cette Ile¹. A la charge audit Preneur et Acquéreur et ses hoirs de se conformer à toutes les clauses, conditions et restrictions auxquelles ledit Bailleur et Vendeur pouvait être assujetti pour et à cause de ladite propriété à laquelle il avait droit comme seul héritier de feu Mon^s David Patten² Vincent, son père, lequel y avait droit par prise et acquêt héréditaire dudit M^r Charles Hamon par contrat daté de l'an mil neuf cent huit, le vingt-huit Novembre : Ledit Bail et Vente héréditaire fait pour et en considération de la somme de vingt-cinq livres Sterling pour une fois payer de laquelle somme ledit Procureur, pour et au nom de sondit Constituant se tint content et satisfait. Au reste le tout franc et quitte de toutes rentes et redevances sauf les Droits Seigneuriaux. Possession du contenu des prémisses présentement et ensuit le tout à fin d'héritage. Partant s'obligèrent lesdites parties pour elles et leurs hoirs, à la fourniture et garantie réciproque du contenu du [sic] prémisses selon droit. Et Jurerent lesdites parties &c

ANNEX A 121

Contract for Sale by G. F. F. Girard to D. P. Richardson, 22nd August, 1936, of a House on Maîtresse Ile of the Minquiers Islets

[*Registre Public de l'Ile de Jersey, Livre 429^A, Folio 165*]

Mr George
Francis
Flowers
Girard
Et
Denys Philip
Richardson
Ec^r.

LETTRE passée pardevant Philip de Carteret Le Cornu, Ecuier, Lieutenant de Alexander Moncrieff Coutanche, Ecuier, Bailli de l'Ile de Jersey, présens, Philip Melmoth Baudains et Edwin Philip Le Masurier, Ecuiers, Jurés, datée l'an mil neuf cent trente-six, le vingt-deuxième jour d'Août. Comme :—M^r George Francis Flowers Girard, fils William James, d'une part. Et Denys Philip Richardson Ecuier, fils Philip Norman, d'autre part. Lequel M^r George Francis Flowers Girard de sa libre volonté Vendit à fin d'héritage pour lui et ses hoirs audit Denys Philip Richardson, Ec^r, pour lui et ses hoirs :—certaine maisonnette à pêcheurs avec l'édifice en mesure y attenant joignant par le Nord à la propriété des hoirs de feu M^r Philippe Hamon, en partie par l'Est à la maisonnette que se reserve ledit Vendeur et bordant au surplus de ce dernier côté certaine ruelle, joignant en partie par l'Ouest à un petit jardin et au reste de ce côté bordant le rivage de la mer, et bordant par le Sud certain passage

¹ i.e., Jersey.

² Spelled "Patton" above.

(à l'autre côté duquel se trouve la maisonnette appartenant à Richard John Bruce Bolitho Esq) ; le tout avec autant de droits, appartenances et dépendances comme en peuvent appartenir situé sur la Maîtresse Ile des Minquiers, dépendance de cette Ile¹ ; à laquelle propriété ledit Vendeur avait droit par prise et acquêt héréditaire, par contrat en date de l'an mil neuf cent trente, le douzième jour d'Avril de M^r Elie Charles Marie, lequel y avait droit par acquêt (par accord particulier) des héritiers de feu M^r George Mourant, suivant quittance en date de l'an mil neuf cent un, le quatrième jour de Septembre. Ladite Vente héréditaire faite par le prix et somme de quarante livres sterling, que ledit Vendeur a reconnu avoir reçue. Possession de ladite propriété présentement et à fin d'héritage. Partant s'obligèrent lesdites parties pour elles et leurs hoirs à la fourniture et garantie réciproque du contenu des prémisses selon droit. Et Jurèrent lesdites parties, &ca.

ANNEX A 122

**Contract for Sale by F. Mallet to States of Jersey, 11th December, 1937,
of a Ruined Building and Site of a House on Maîtresse Ile of the
Minquiers Islets**

[*Registre Public de l'Ile de Jersey, Livre 432^A, Folio 139*]

LETTRE passée pardevant Alexander Moncrieff Coutanche, Ecuier, Bailli de l'Ile de Jersey, présens, Philip Ernest Brée et Ernest George Labey Ecuiers Jurés, datée l'an mil neuf cent trente-sept, le onzième jour de Décembre. Comme :—M^r François Mallet, fils Charles, d'une part. Et Charles Walter Duret Aubin Esq, Procureur Général du Roi et Hedley Le Riche Edwards Esq, Greffier des Etats de cette Ile, autorisés pour et au nom du Public de cette Ile, et agissant tant en vertu de certain Acte des Etats en date du vingt sept Octobre mil neuf cent trente-sept, que de certain Acte du Comité des Havres et Chaussées en date du onze Septembre mil neuf cent trente-sept, d'autre part. Lequel M^r François Mallet de sa libre volonté Vendit à fin d'héritage pour lui et ses hoirs auxdits Charles Walter Duret Aubin Esq, Procureur Général du Roi et Hedley Le Riche Edwards Esq, Greffier des Etats, Autorisés comme dit est, pour et au nom du Public de cette Ile, et pour ses successeurs, une certaine mesure et le site d'une maison et généralement tout et autant de propriété comme en peut appartenir audit Sieur Mallet à la Maîtresse Ile des Minquiers, le tout bordant par le Nord Est ou environ sur le chemin conduisant à la Charrière à l'Ane, à ladite Ile des Minquiers, dépendance de cette Ile¹, et située sur le Fief de Sa Majesté ou autre Fief avec tout et autant de droits, appartenances et dépendances comme en peut appartenir. A laquelle propriété ledit Vendeur avait droit par acquêt (par accord particulier) de M^r Charles de Ste Croix, lequel y avait droit par donation de M^r Philippe Mourant son beau-frère. Ladite Vente faite par le prix et somme de Vingt livres Sterling ; laquelle somme le Trésorier des Etats, paiera en espèces, pour et au nom du Public de cette Ile, audit Vendeur toutes fois et quantes après la passation du

M^r François
Mallet
Et
Le Public de
cette Ile

¹ i.e., Jersey.

présent contrat. Au reste le tout franc et quitte de toutes rentes et redevances sauf tels Droits Seigneuriaux qui pourraient par la suite être réclamés. Possession de ladite propriété présentement et ensuite à fin d'héritage. Partant s'obligèrent lesdites parties savoir :—ledit Vendeur pour lui et ses hoirs et lesdits Autorisés pour et au nom du Public de cette Ile et ses successeurs à la fourniture et garantie réciproque du contenu des prémisses selon droit. Et Jurèrent lesdites parties &^{ca}.

ANNEX A 123

Act of States of Jersey, 27th October, 1937, authorizing Purchase of a Ruined Building and Site of a House on Maîtresse Ile of the Minquiers Islets, for building a Storehouse

[Acte des Etats de l'Ile de Jersey, 27 Octobre, 1937]

LES ETATS, accueillant la recommandation contenue dans un Acte du Comité des Havres et Chaussées, en date du 11 Septembre 1937, ont autorisé ledit Comité à acquérir à fin d'héritage de M^r Francis Mallet, pour la somme de £20 Stg., et en outre le montant nécessaire pour l'extinction des Droits Seigneuriaux, s'il y a lieu, une certaine mesure et le site d'une Maison et généralement tout et autant de propriété comme il peut en appartenir audit Sieur Mallet à la Maîtresse Ile des Minquiers, le tout bordant par le Nord Est, ou environ, sur le chemin conduisant à la Charrière à l'Ane, à ladite Ile des Minquiers, dépendance de cette Ile ¹, et situé sur le Fief de Sa Majesté, ou autre Fief. Ledit emplacement étant requis afin d'y construire un magasin pour y garder des vivres pour l'usage des marins naufragés et des pêcheurs qui pourraient s'y trouver sans comestibles par mauvais temps, et aussi afin d'y emmagasiner les matériaux nécessaires pour l'usage dudit Comité afin de maintenir et entretenir les balises et bouées établies et à établir aux Minquiers et dans les environs.

Et les Etats ont autorisé Messieurs le Procureur Général du Roi, l'Avocat Général du Roi et le Greffier des Etats, ou deux d'entre eux, à passer comme Autorisés du Public de cette Ile ¹, le Contrat à intervenir dans l'espèce avec ledit Sieur Mallet.

ANNEX A 124

Affidavit of H. F. Ereaut, Treasurer of the States of Jersey, 4th May, 1951, regarding Payments made for Construction of a Slipway and Maintenance of Buoys, Beacons and Signals, at the Minquiers Islets

I, Herbert Frank Ereaut, Treasurer of the States of the Island of Jersey, make oath and say as follows :—

The Books of the Treasury shew :—

¹ i.e., Jersey.

(a) that the sum of £15,660 was spent by the States of Jersey during the period 1920-1950 on work at the Minquiers, namely, the construction of a slipway, the erection of a building and the establishment of buoys and beacons ; and

(b) that the sum of £182,993, was spent by the States of Jersey during the said period 1920-1950 on the maintenance of buoys, beacons and signals established for the purposes of navigation around the coasts of the Island, of which, in my opinion, on a conservative estimate, not less than ten per cent of that sum, that is to say, not less than £18,299, was applied on the maintenance of buoys and beacons at the Minquiers.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] HERBERT F EREAUT

Sworn by the above-named
Herbert Frank Ereaut, in
the Island of Jersey, this
4th day of May in
the year one thousand nine
hundred and fifty-one, before
me

[Signed] HEDLEY G. LUCE
Notary Public
Jersey

ANNEX A 125

Act of Jersey Committee of Piers and Harbours, 26th April, 1890, relating to the Erection of a Flagstaff and Hoisting of the Jersey Flag on Maître Ile of the Minquiers Islets

[*Actes du Comité des Havres et Chaussées, 26 Avril, 1890*]

Référant à l'Acte du Comité du 20 Juillet, 1889, au sujet de la réparation de la "Charrière" conduisant au mât dont le Comité avait ordonné l'érection sur le Maître Ile des Minquiers ;

Et le Comité ayant pris en considération une lettre de Mons^r Philippe Jacques Gibaut, (Député dans les Etats pour la paroisse de Grouville), adressée le 11 Avril, 1890, au Comité de la Défense de l'Ile, et référée par ledit Comité au Comité des Havres et Chaussées, d'après laquelle lettre il paraît que les pêcheurs des environs de La Rocque, qui fréquentent les Minquiers, se plaignent depuis longtemps que des pêcheurs français se permettent d'exercer leur métier dans le voisinage desdites Iles, et ce, au préjudice des pêcheurs Jersiais ;

1890.—
Avril 26 . .

Décisions
au sujet des
Minquiers.—

Le Comité a décidé de rappeler au Maître de Port de S^t Hélier, qu'il lui fut donné des instructions, l'année dernière, de faire placer un mât sur le Maître Ile des Minquiers, avec l'intention d'y faire hisser le drapeau Jersiais ;

Et est ledit Maître de Port chargé de prendre les mesures nécessaires pour la mise à exécution, sans autre délai, des décisions antérieures du Comité à cet égard.—

ANNEX A 126

Act of the Jersey Committee of Piers and Harbours, 25th May, 1907,
authorizing Expenditure upon the Construction of a Slipway on Maîtresse
Ile of the Minquiers Islets

[Acte du Comité des Havres et Chaussées, 25 Mai, 1907]

jetée
d'atterrage
aux
Minquiers

L'Ingénieur des Etats ayant présenté au Comité, en exécution de son acte y relatif du 15 Avril dernier, un plan, avec estimation, relative-ment à la construction d'une petite jetée d'atterrage à la Charrière à l'Ane endroit où l'on aborde la Maîtresse Ile des Minquiers et pour l'élargissement de cette Charrière en carriant le rocher et en y plaçant du béton afin d'en rendre l'accès plus facile et moins dangereux qu'il ne l'est actuellement, le coût de la construction de la jetée étant estimé à Deux cent quarante livres Sterling et de l'élargissement de la Charrière à Cinquante livres Sterling (£50),—le Comité, après examen dudit plan, l'a approuvé le Greffier étant chargé de le mercher—et a décidé de faire exécuter l'ouvrage indiqué sur ledit plan comme devant être effectué à la partie supérieure de ladite Charrière, à un coût de Cinquante livres Sterling (£50)

ANNEX A 127

Visit of Jersey Committee of Piers and Harbours, 27th June, 1933, to
Maîtresse Ile of the Minquiers Islets, and their Instructions for certain
Works to be Undertaken there

[Acte du Comité des Havres et Chaussées, 27 Juin, 1933]

Juin 27.

L'An mil neuf cent trente-trois, le vingt-septième jour de Juin.

Présents: Guy Fortescue Burrell de Gruchy Ecr., Juré, Président.
Francis Albert Edward Voisin Ecr., Juré.
Le Révd John Pepin, Recteur de St. Ouen.
Le Révd John Arthur Balleine, „ de St. Brelade.
Monsr. John Thomas Ferguson, Connétable de St. Hélier.
Leslie Thomas Anthoine Ecr., „ de St. Sauveur.
Monsr. Walter Benest, „ de St. Brelade.
Monsr. John Herbert Orange, Député de St. Brelade.
Monsr. William Smythe Le Masurier, Député de St. Hélier.
Thomas Richard Blampied Gent., Député de St. Clément.

Présents aussi: Son Excellence le Major Général Edward Henry
Willis, C.B., C.M[G.] Lieutenant Gouverneur.
Charles Edward Malet de Carteret Ecr., Bailli.
Philip de Carteret Le Cornu Ecr., Juré, Président
du Comité des Travaux Publics.
Philip Ernest Brée Ecr., Juré, Membre du Comité
des Finances.

Alexander Moncrieff Coutanche Ecr., Procureur
Général du Roi.

Monsr. Francis George Allix, Maître de Port.

Francis Le Sueur Ecr., Ingénieur Assistant des Etats.

Le Comité s'est rendu à la Maîtresse Ile des Minquiers, au bord du vapeur "Duke of Normandy", et ayant fait l'inspection du lieu d'atterrage a chargé l'Ingénieur des Etats :—

Visite aux
Minquiers.

- 1^o de continuer le mur ou jetée d'atterrage existant, à sa partie inférieure sur une longueur d'environ cent cinquante pieds à un coût estimé par l'Ingénieur-Assistant des Etats, à ce présent, à une somme approximative de Quatre cents livres Sterling (£400) et ce dans le but d'améliorer les moyens d'atterrage des pêcheurs à cet endroit.
- 2^o de placer une manivelle ("winch") munie de la longueur nécessaire de fil métallique sur la chaussée au haut dudit lieu d'atterrage afin de faciliter le halage des bateaux de pêche en lieu sûr ; et
- 3^o de faire construire des latrines pour l'usage des pêcheurs et autres personnes séjournant sur la Maîtresse Ile derrière le rocher connu sous le nom de "Pil au Planche".

Travaux
d'améliora-
tion à
exécuter aux
Minquiers.

Le Maître de Port est chargé de se procurer un baromètre convenable, avec thermomètre, et de le faire installer à un lieu convenable et en vue, à la Maîtresse Ile des Minquiers, pour l'utilité des pêcheurs et autres personnes fréquentant ladite Ile.

Installation
d'un
baromètre
[sic] aux
Minquiers.

ANNEX A 128

Records of Official Visits by Officers of the Island of Jersey to the Minquiers Islets, 1888-1946¹

I, Francis de Lisle Bois, Greffier of the States of the Island of Jersey, hereby certify that Official Visits made to the Minquiers on the dates hereinafter specified are mentioned in the official records of the authorities concerned :—

By the Assémbly of Governor, Bailiff and Jurats :
1908, 16th July.

By the Piers and Harbours Committee :
1888, 4th August.
1895, 4th September.
1903, 11th June.
1906, 10th April.
1907, 15th April.
1908, 3rd February.
1909, 20th April.
1910, 11th April.

¹ Other official visits have taken place, which are not recorded, as, for example, that of the Lieutenant Governor, Bailiff and Jurats on the 4th September, 1895. See Annex C 18.

1913, 22nd March.
 1914, 13th April.
 1927, 5th September.
 1933, 27th June.
 1937, 7th August.
 1939, 2nd August.
 1945, 19th July.
 1946, 3rd April.

By the Finance Committee :

1937, 12th August.

[Signed] F. DE L BOIS
 Greffier of the States.

ANNEX A 129

**Record of Minutes of Visit by Jersey Piers and Harbours Committee
 to Maître Ile of the Minquiers Islets, 9th August, 1888, giving Evidence
 of Buildings there**

[*Acte du Comité des Havres et Chaussées, 9 Août, 1888*]

Août 9.

L'An mil huit cent quatre-vingt-huit, le neuvième jour d'Août.—

Présents, Peter Briard, Ec^r, Juré, Président,

C. A. de Quetteville, Ec^r, Juré,

Rév^d D. M. Lemprière, Recteur de St^t Clément,

Rév^d Edouard Luce, „ „ St^e Marie,

Mons^r Tho^s, W^m Messervy, Député de St^t Martin,

Mons^r John Collas, „ „ St^e Marie,

Present [*sic*] aussi, Philippe Baudains, Ec^r, Stipulant Avocat Général
 de la Reine.—

Le Comité s'est réuni sur le Maître Ile des Minquiers en conséquence
 de la Correspondance transmise par Son Excellence le Lieutenant-
 Gouverneur, à laquelle il est référé dans un acte du Comité en date du
 7 Juillet 1888 ; de laquelle Correspondance la teneur suit :

1888
 Août 9.

Copy.

Government House, Jersey
 30th June 1888.

Sir,

I beg to transmit to you, herewith, a letter from the Hydrographer to the
 Admiralty, with its enclosure (to be returned), stating that, the sailing directions
 for the Channel Islands being under revision, he wishes to obtain certain infor-
 mation concerning the Maitresse Ile, and I shall be obliged by your causing this
 to be furnished to me.

I have the honor to be

Sir,

your obedient servant.

(Sd) C. B. EWART

Major Général [*sic*]

Lieut. Governor.

Inspection
 des
 Minquiers

Sir George C. Bertram
Bailiff
Jersey.

Hydrographic Department
Admiralty, S.W.
28 June 1888.

Sir,

The Sailing Directions for the Channel Islands being now under revision, I should be much obliged if you would inform me whether the Maitresse Ile is correctly described in the enclosed sheet from the sailing Directions, and, if not, cause the necessary additions or corrections to be forwarded to this Department.

I have the honour to be

Sir

your obedient servant

(Signed), W. J. L. WHARTON.
Hydrographer.

His
Excellency
The
Governor
Jersey.

Maitresse ile, is situated near the South East side of the elevated or Middle part of the reef before referred to. It is the largest islet of the group, although barely a cable long and half a cable wide ; it is also the highest although elevated only 25 feet above high water. There is a little soil on this islet and some faint traces of vegetation, but like Maitre ile of Ecrehos it is quite destitute of fuel or substance of any kind, neither is there any fresh water, excepting what the rain deposits in the interstices of the rocks. 1888
Août 9.

In 1869 there were 17 small houses or huts on the islet, built of stone, belonging to the natives of La Rocque point (Jersey), who are employed during the summer season (8 months of the year) fishing all over the Minquiers reef.

There are usually 20 to 25 boats engaged in the fishing, each boat containing 2 men ; the boats lie on the South-East side of the islet, where they receive partial shelter from the surrounding rocks.

Vast numbers of lobsters are caught here, and sent to the London market ; there are besides congers and a variety of other fish, all of which find a ready market at Jersey.

Le Comité a constaté l'existence sur le Maître Ile de dix-neuf maisons, dont une est sans toiture et non habitée ; les dix-huit autres sont habitées par des pêcheurs Jersiais, sauf une qui a été louée pour quelque mois à deux Français qui sont employés par leur Gouvernement à faire des observations sur les marées et courants dans les environs.—

Le Comité a également constaté qu'on avait carrié une quantité assez considérable de pierre dans la partie Ouest du Maître Ile, et d'après des informations prises sur les lieux (informations que le Comité a tout lieu de croire exactes), il paraîtrait qu'au commencement de ce siècle, le Gouvernement Anglais aurait carrié cette pierre, qui fut employée à la construction du Fort Régent à S^t Hélier ; et que, sur les représentations des pêcheurs Jersiais, surtout grâce à l'active intervention d'un nommé Hamon, le délégué des pêcheurs, le Gouvernement Anglais, reconnaissant que l'enlèvement de pierres dans cet endroit aurait eu pour effet d'exposer l'ancrage au Sud-Est de l'Ile, ainsi que les cabanes de pêcheurs érigées ou à ériger, fit droit à la requête des pêcheurs et cessa le carriage.—

Les maisons sont en deux rangées, et les personnes suivantes en réclament la propriété :

Mess^{rs} Thomas Gallichan
Philippe Gallichan
Elias Gallichan
Elias Gallichan Jun^r.

Philippe Mourant
 Charles Le Riche
 Elie Bisson
 Jean Vicq
 Charles Le Vesconte
 John Marie
 Charles Hamon
 Philippe Labey
 Clément Gallichan
 George Mourant
 Jean Journeaux
 Clément Hamon fils Philippe
 Charles Filleul
 James Cornish
 James et Edouard Filleul

Il y a de seize à dis-huit bateaux employés à la pêche, ils sont montés par environ Trente à Trente cinq hommes, tous Jersiais ; cette pêche produit, d'après les chiffres qui nous ont été fournis et que nous croyons exacts, environ Six cent cinquante livres Sterling en homards seulement dans les mois de Mai, Juin, Juillet et Août, sans y comprendre la pêche de congres et autre poisson.—D'après les dire des vieux pêcheurs aux Minquiers, il y a environ soixante années plusieurs pêcheurs Français se rendirent aux Minquiers pour faire concurrence aux Jersiais, mais à la suite d'explications assez vives, les Français abandonnèrent le terrain et n'y ont plus reparu.—

1888
 Août 9.

Au surplus, les "Sailing Directions for the Channel Islands" touchant le Maître Ile, qui ont été transmises au Comité, sont correctes.—

ANNEX A 130

Act of the Jersey Harbours and Airport Committee, 3rd April, 1946,
 recording a Visit of the Lieutenant Governor and Committee to hoist
 the Flag on Maître Ile of the Minquiers Islets

[Act of the Harbours and Airport Committee, 3rd April, 1946]

HARBOURS.

1946. April 3.

Present : Philip Nicolle Gallichan, Esq. Jurat, President,
 Neville Godfray Hind, Esq., Jurat.
 John du Val, Constable of St. Peter.
 Francis Le Boutillier Esq., Constable of St. Ouen.
 Hedley William Maillard Esq. Deputy of St. Lawrence.
 Wilfred Harold Kricheski, Esq., Deputy of St. Helier.

Also Present : H.E. Lt. General Sir A. E. Grassett, K.B.E., C.B., D.S.O.
 Lieut. Governor.
 Sir Alexander Moncrieff Coutanche, Kt. Bailiff.
 Lt. Col. A. B. Rodgers, Officer Commanding Troops.
 Vice Admiral E. de B. Renouf.

The Committee proceeded to the Minquiers in the Tug, and after landing, hoisted the flag on the Maitre Ile, in the presence of H.E. the Lieutenant Governor and the other distinguished visitors.

It was noted that three Frenchmen were on the Island, their names being Jean Tevenin, Gustave Le Boutillier and Eugène Grandin, these Frenchmen stated that they had just landed on the Island from Chausey and were fishermen.

ANNEX A 131

Affidavit of C. W. Duret Aubin, 12th October, 1951, recording the Ceremonial Hoisting of the Union Jack on Maitresse Ile of the Minquiers Islets on 28th May, 1945

I, Charles Walter Duret Aubin, Commander of the Order of the British Empire, of "Belfontaine", La Rocque, in the parish of Grouville in the Island of Jersey, make oath and say as follows:—

1. I was, from the 14th April, 1936, to the 4th June, 1948, His Majesty's Attorney General for the Island of Jersey.
2. On the 28th May, 1945, in the course of my official duties, I accompanied Brigadier Alfred Ernest Snow, O.B.E., Commander of the Forces of His Majesty which liberated the Island on the 9th May, 1945, Mr. (now Sir) Alexander Moncrieff Coutanche, Bailiff of Jersey, and other officials on a visit to the Maitresse Ile of the Minquiers Reef, to which we were carried in two ships of the Royal Navy.
3. I was present when, with full honours, rendered by a party of the Royal Marines, Brigadier Snow, as the representative of His Majesty, caused the Union Flag to be hoisted on the flagstaff on the said Maitresse Ile.
4. I identify the photograph¹ attached hereto and marked "A" as one taken on the occasion referred to in paragraph three hereof. It was taken with a camera belonging to me by a member of the visiting party and the three persons standing at the foot of the flagstaff are (from left to right) Brigadier Snow, the Bailiff of Jersey and myself.

All of which is true to the best of my knowledge, information and belief.

[Signed] C. W. DURET AUBIN.

SWORN by the within-named
Charles Walter Duret Aubin
at St. Helier, in the Island
of Jersey, this 12th day of
October, 1951, before me—

HEDLEY G. LUCE
Notary Public,
Jersey.

¹ See Annex C 9.

ANNEX A 132

Affidavit of N. V. L. Rybot, 10th May, 1951, concerning Initials cut by former Jersey Quarrymen on Maitresse Ile of the Minquiers Islets

I, Norman Victor Lacey Rybot, of Warwick House, First Tower, in the Island of Jersey, make oath and say as follows :—

1. I am a Fellow of the Society of Antiquaries of London, and Vice-President of the Société Jersiaise.

2. On the 7th July, 1928, while engaged in archeological[sic] researches at the Minquiers, I noted and sketched two sets of initials cut in the rock. The attached photograph marked NVLR¹ is a photographic reproduction of the sketch I made on that occasion.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] N. V. L. RYBOT

Sworn by the above-named
Norman Victor Lacey Rybot
in the Island of Jersey
this 10th day of May
in the year one thousand
nine hundred and fifty-one,
before me,

[Signed] HEDLEY G. LUCE
Notary Public
Jersey

ANNEX A 133

Two Passes, issued by the Lieutenant Governor of Jersey, 25th February, 1812, for the Transport of Workmen to Maitresse Ile of the Minquiers Islets

Copies

[Foreign Office Papers, 27/3654]

Permission is hereby granted to Mr John Norman, Master of the "Charles" Cutter, with a crew of four men, to pass to and from the Maitresse Ile² to this Island, he being employed on His Majesty's Service.

This cutter will occasionally convey workmen to the Maitresse Ile.

Given at Government House
Island of Jersey
this 25th February 1812.

(signed) GEORGE DON
Lieut General.

¹ See Annex C 19.

² Now commonly called Maitresse Ile.

Permission is hereby granted to Mr John Beauquand to employ a party of 30 men on the Maître Ile, in quarrying stone for His Majesty's Service—

Given at Government House,
Island of Jersey
this 25th February 1812
(signed) GEORGE DON
Lieut General

ANNEX A 134

Act of Jersey Committee of Piers and Harbours, 13th June, 1903, reporting on Buildings and their Owners, on Maître Ile of the Minquiers Islets

[Acte du Comité des Havres et Chaussées 13 Juin, 1903]

Le Comité Subdélégué nommé le 11 courant lors de la visite faite par le Comité aux Iles des Minquiers, ayant aujourd'hui présenté au Comité le Rapport suivant, le Comité l'a adopté :

Rapport du
Comité
Subdélégué
des
Iles des
Minquiers.

Le Comité a constaté l'existence sur le Maître Ile des Minquiers d'environ dix-huit maisons, dont la plupart sont bâties en pierre, et sont habitées par des pêcheurs Jersiais et une est en ruine.

Les maisons sont en deux rangées et le Comité a été informé que les personnes dont suivent les noms en réclament la propriété, savoir : —

Mess. ^{rs} Thomas Gallichan	John Marie
Philippe Gallichan	Charles Hamon
Elias Gallichan	Philippe Labey
Elias Gallichan Junr	Clément Gallichan
Philippe Mourant	George Mourant
Ernest Morrison	George Marie
Elie Bisson	Clément Hamon, fils Philippe
Jean Vicq	Charles Filleul
Charles Le Vesconte	James Cornish
	James et Edouard Filleul.

Le Comité a cru qu'il est utile de constater que par contrat passé devant Justice le 30 Mai 1896, M^r Charles Le Riche, fils Philippe, Bailla et Vendit à fin d'héritage à Mons^r Ernest Morrison, fils George, (le propriétaire actuel) l'édifice ou maison qui lui appartenait connu sous le nom de « Polka »¹, avec le petit bel ou terrain en devant, situé entre les édifices ou maisons appartenant respectivement, du côté Sud à M^r Elie Bisson, et du côté Nord à M^r Philippe Mourant, lesdits édifices ou maisons se trouvant au Sud de la Charrière à l'Ane sur le Maître Ile des Minquiers dépendant de cette Ile² et du fief de Sa Majesté ou autre fief.

Il y a environ seize bateaux à la pêche lesquels sont montés par à peu près trente-deux hommes, tous Jersiais.

1903
Juin 13.

¹ See Annex A 118.

² i.e., Jersey.

ANNEX A 135

Report by the Jersey Law Officers, 10th July, 1929, to the Lieutenant Governor of Jersey, that M. Le Roux, a French National, was Building on Maitresse Ile of the Minquiers Islets

[*Foreign Office Registry, File No. 6799/6799/17*]

8 Royal Square,
Jersey.

July 10th 1929.

Sir,

We have the honour to report to Your Excellency the following facts which in our opinion constitute a Challenge by a French subject to the Sovereign rights of His Majesty over the Minquiers Islets; which, so far as we are aware have always been considered to be a British possession and a dependency of this Bailiwick.

On Saturday July 6th Capt. C. M. Robin, Principal Agent of the Impôt and Mr. E. B. Renouf, Deputy in the States for the Parish of St. Helier, paid a visit to these Islets, landing on the Maitresse Ile where the Finance Committee of the States of Jersey own and have for many years maintained a hut for the use of their Impôt officials.

The latter gentleman is still there, but Capt. Robin returned the same evening, and reported that a French subject, a Monsieur H. le Roux, had landed men and materials on the Maitresse Ile, had occupied a certain area and was building himself a stone house, stating in reply to questions that he had a perfect right to do so, as the said Island was French territory. On Tuesday July 9th another local boat visited that Island and Deputy Renouf, who was still staying there, took the opportunity to forward to the Bailiff of Jersey a letter addressed to him by Monsieur Le Roux, which had been delivered at the Minquiers on July 7th, as explained in the note at the foot thereof. From the copy attached hereto it will be seen that Monsieur Le Roux distinctly claims to have occupied a portion of the Maitresse Ile by virtue of a lease granted him by the French Government dated July 1st 1929 signed by the sous-préfet de l'arrondissement, the engineer of the maritime service, and the Directeur des Domaines, three Government officials.

Assuming as we always have done, that these Islets are a British possession and a dependency of Jersey, the above facts and the statements contained in Monsr. Le Roux's letter, appear to us to constitute a distinct Challenge of His Majesty's Sovereign rights thereover; and we therefore ask Your Excellency to be so good as to transmit this report to the proper quarter.

When saying that we assume these Islets to be a British possession we regret that we are not in possession of all the most recent official documents bearing upon this point, a point which we believe has been more than once discussed between the two Governments concerned, and which was certainly under discussion about forty years ago. The latest documents we have hitherto been able to trace are: (1) an opinion furnished by the Law Officers of the Crown to the Lieutenant Governor dated 11th August 1888 which begins as follows:

"22 June 1888.
 Foreign Office Memorandum.
 12th June 1888.
 Map
 5th July 1888.
 13th July 1888.
 B.
B.778.
 9
 31st July 1888."

"Sir"

"We have the honour to return herewith a letter from the Home Office, with its enclosures, relating to the right of Sovereignty over the Minquiers Islets."

"A letter from the Foreign Office, and its enclosures, relating to the French claims of Sovereignty over the Minquiers."

"A further Memorandum from the Foreign Office on the subject of the Minquiers Islets, also a letter from the Home Office enclosing copies of Reports from the Admiralty and Foreign Office on questions relating to the Minquiers, and in compliance with Your Excellency's request we have the honour to report."

"That, after a very careful examination of all the sources of information at our disposal, we are entirely of opinion that the Minquiers Islets are, and have always been considered as being, British Territory, and a dependency of Jersey, we have arrived at this conclusion on the following grounds", etc. etc. etc."

We are not aware what the papers referred to are, nor have we in our possession any document to show what, if any, decision was arrived at between the two Governments at that date, but we are well aware that ever since then Jersey has considered and treated the Minquiers as a British possession and a dependency.

(2) Your Excellency has also permitted us to peruse a confidential copy of a draft Memorandum for the French Ambassador, Foreign Office March 1905¹; 122443/12 which contains the following phrase: "They would propose, therefore, as to the most satisfactory arrangement, that the Islands should be recognised as British territory, and that British subjects alone should have the right of resorting to and residing upon them for the purposes of fishing and cutting seaweed, but that the surrounding waters should be open to the fishermen of both countries, in so far as they do not come within the territorial or fishing limits of some other adjacent line of coast".

Again, we are unable to say whether this despatch was sent, in this form, or as appears possible from pencilled marginal notes, in an amended form, or whether if sent it was agreed to by the French Government.

For these reasons and in order not to embarrass His Majesty's Government by any rash action on our part we have not thought fit to adopt either of the courses suggested in Monsieur Le Roux's letter, to send him a written order to cease building or to send an official to order his workmen away. A copy of that letter has been supplied to the French

¹ See Annex A 69.

Consul, who informs us that he has communicated with his Government as well as with the French Ambassador in London; and we venture to hope that this action of his may result in the work stopping. But Your Excellency is doubtless aware that this matter is causing great commotion in the Island, and might possibly lead to unpleasant incidents at the Minquiers itself. So that if the Consul's action does not produce the hoped for result, we venture to submit that any instructions which His Majesty's Government may desire to send to Your Excellency should be forwarded with as little delay as possible.

We must also point out to Your Excellency that this matter may give rise to important questions from a purely local point of view, administrative and otherwise, and that the States of the Island may eventually feel called upon to take action. But at present, we report these facts to Your Excellency solely from the point of view of the Imperial Sovereignty.

At the last moment the French Consul informs us that he proposes to proceed to Paris on Friday morning, 12th Inst., to interview his Government in the hope of adjusting this matter, and that he expects to be back by Monday the 15th.

We have the honour to be,
Sir,

Your obedient Servants,

(Sgd.) C. E. MALET DE CARTERET.
Attorney General.

A. M. COUTANCHE
Solicitor General.

His Excellency,
The Lieutenant Governor,
Jersey.

ANNEX A 136

Letter from B. G. Falle, M.P., to the Rt. Hon. Hugh Dalton, M.P., Under-Secretary for Foreign Affairs, 29th November, 1929, enclosing Photograph of the Foundation Walls of a House on Maitresse Ile of the Minquiers Islets laid by M. Le Roux, a French National

[*Foreign Office Registry, File No. W7664/6799/17*]

House of Commons 29.XI.29

W7664/6799/17.

Dear Dalton

I enclose a Kodak¹ I took of the principal Islet of the Minquiers Group—70 to 80 square miles of fishing ground.

The foundations, in the foreground, represent the house the frenchman[sic] tried to build.

¹ See Annex C 20.

The better house in the centre of 'picture' is the "Impot"[sic] or Jersey Customs House. ¹

Yours very truly
BERTRAM G FALLE

ANNEX A 137

Affidavit of Edmond de Laquaine, Editor of *Les Chroniques de Jersey*, 5th May, 1951, concerning the Cancellation of a Lease granted to a French National, M. Le Roux, in 1929

I, Edmond de Laquaine, of 5 St. Clements Road in the Parish of St. Helier in the Island of Jersey, hereby make oath and say as follows:—

1. I have been editor of the Newspaper "*Les Croniques de Jersey*," which is published in this Island, from the year 1902 until the present day.

2. The following is an extract from an article published in "*Les Chroniques de Jersey*" of the 31st July, 1929, under the heading "*L'Enigme des Minquiers*" :—

"*Sous ce titre, nous lisons dans le 'Réveil' :*

M. Leroux vient de recevoir la lettre suivante du directeur de l'Enregistrement :

'Monsieur,

Il résulte de renseignements transmis par le ministère des Affaires Etrangères, que la souveraineté des Iles des Minquiers, n'a pas cessé d'être contestée entre la France et l'Angleterre.

Dans ces conditions, j'ai l'honneur de vous prier de considérer comme suspendus les effets du bail qui, par acte passé devant M. le sous-préfet de Coutances le 3 Juillet courant, vous a été consenti d'un emplacement dans l'Ile Maîtresse de l'Archipel dont il s'agit.

Vous voudrez bien, notamment, interrompre les constructions dont vous auriez commencé l'édification.

Veuillez agréer[sic], etc.,

Signé : ILLISIBLE.' "

3. The "Réveil" referred to is the newspaper known as "*Le Réveil de Cherbourg*" and the letter quoted was copied from that paper.

All of which I declare to be true to the best of my knowledge, information and belief.

[Signed] E DE LAQUAINE

Sworn by the above-named
Edmond de Laquaine in the
Island of Jersey this 5th
day of May in the year
one thousand nine hundred
and fifty-one, before me

[Signed] HEDLEY G. LUCE,
Notary Public, Jersey.

¹ See Annex C 8.

ANNEX A 138

Reproduction of a Water-Colour of Maitre (Maitresse) Ile of the Minquiers Islets, about 1815, by Captain Martin White, shewing various Buildings on the Islet

[View Volume, Hydrographic Department, Admiralty, London]



Maitre Isle[sic], Minquiers, from the Cove

ANNEX A 139

Affidavit of P. J. Le Clercq, F. Gallichan and E. Gallichan, Minquiers Fishermen, 2nd May, 1951, relative to Jerseymen who have fished the Minquiers since about 1850

We, Philip John Le Clercq of Westcot, La Rocque, in the Island of Jersey, Frank Gallichan of 2 Beachside, La Rocque, aforesaid and Ernest Gallichan of Glenhaven, La Rocque, aforesaid, hereby make oath and say as follows:—

1. Our families have, for so long as we can remember, been entirely dependent on the Minquiers fisheries. We ourselves began to fish the Minquiers with our fathers when we left school and have continued to do so until recent years. We are all between 60 and 65 years of age.
2. The father of myself, Philip John Le Clercq, started fishing about eighty years ago. Fishing at the Minquiers was his sole occupation during both winter and summer. He lived permanently at the Minquiers, except during week-ends when he came to Jersey to obtain food and market his catch, and except for a fortnight at Christmas time. He was drowned returning from the Minquiers.
3. We, Frank and Ernest Gallichan, are brothers. Our father, Tom, had four brothers, all of whom were Minquiers fishermen. Our grandfather, Elias Gallichan, and our great-grandfather, also Elias, as well as all his sons, were Minquiers fishermen by sole occupation. Three of our first cousins were Minquiers fishermen until recent years.
4. When we started fishing with our fathers, about forty-five to fifty years ago, there were between thirty and forty men fishing the Minquiers as their sole occupation. The men used to work in pairs, two men in each boat.
5. We can remember that some of their boats were called "Baron", "Pelican", "Loyal", "Glory", "Fear Not", "Camelia", "London", "Circassien", "Dauntless", of La Rocque, "Dauntless" of Le Hocq, "Willing", "Lily", "Carrier", "Obey", "Try Me", "Welcome", "Love" and "First".

6. Some of the Minquiers fishermen we can remember were Jim Cornish, the Bisson brothers, Mr. Buesnel, Mr. Le Vesconte, Tom Venement, Tom Watton, the two Mallet brothers, Mr. Marie and five sons (two of them were drowned at the Minquiers), Philip Labey and Tom Labey, George Maurant and his two sons, George and Sydney (Sydney was drowned at the same time as Mr. Le Clercq), Charlie Le Riche, who used to live there permanently in the same way as the late Mr. Le Clercq, Tommy Hamon, Frank Pirouet, Charlie Hamon and his brother and nephew from Le Hocq (all the other fishermen being from La Rocque) Bienaimé Boulanger, Mr. Filleul, who died at the Minquiers, and Charlie de Ste. Croix.

Some of these men we can only just remember. For example, Jim Cornish, the Bisson brothers and Tom Venement died almost fifty years ago and were very old men when they died. It seems certain that they must have been fishing at the Minquiers well over one hundred years ago.

7. From what we have been told by our fathers and the other fishermen, there were no houses on the Minquiers in the early days. Most of the fishermen used to sleep in their boats. Some used to sleep on the Maitresse Ile and erect temporary shelters for the purpose. We understand that the Bisson brothers were the first to build and they built what was known as 'the hospital'. Many others built later.

8. At all times the whole of the Minquiers reef was fished, from the west buoy to the east buoy.

9. In our time, lobster has always been the main catch. One boat would catch on an average sixteen dozen lobsters a week. In the early days, English firms used to buy the fish every Monday at La Rocque. The names of some of these firms were Wimble, Grant and May, Swanger and Joel. Conger and prawns were caught in quantity. The Minquiers reef undoubtedly offers the best fishing in the waters surrounding Jersey.

10. We have never been told by our fathers or any of the previous fishermen that they had been troubled by interference from the French.

We ourselves had never seen any serious fishing by the French at the Minquiers until approximately the year 1930. Before that time the only French boats we were accustomed to see were two-masted "bisquines" which were concerned with line fishing in deep water. These used to pass the Minquiers travelling between France and the North-west.

In those days the gun-boats "Dasher", "Mistletoe", "Raven", and "Albacore" were stationed at Gorey and were regularly patrolling the Island waters including the Minquiers. These boats kept the Union Jack flying on the Minquiers.

In our view, French interference at the Minquiers began with the introduction of motor engines into French fishing boats. As stated above this serious interference began about 1930.

11. In 1930, the following Jersey men were whole-time Minquiers fishermen :—

Clem Gallichan, working with his son, Arthur, Jack Le Clercq and his son, Philip Gallichan and his son, Winter, Philip Le Clercq and Ernest Gallichan, Tommy Hamon and Reg. Gallichan, Tom Gallichan, Senr., Tom and Frank Gallichan. Practically all of these men continued to fish the Minquiers until the War.

12. During the war the German authorities prohibited Minquiers fishing by Jersey men, but during the latter part of that period it was possible

for French fishermen to do so and it was particularly during this period that intensive French fishing developed.

13. During the first year after the Occupation we, Frank and Ernest Gallichan, started to fish the Minquiers again but there was so much French fishing—about fourteen French boats, some with a big crew—that we could not make it pay. Wherever we placed a lobster pot a French pôt was placed too. We had to give up this occupation and take jobs on shore.

14. In 1948, George Hairon, who used to fish the Minquiers up to about 1925, started again but found that, like the Gallichans, he had to give it up because of French interference. He made another attempt in 1949 with the same result.

15. We would undoubtedly fish the Minquiers again, and we believe that others would do so, if there were no French interference. It is a great sorrow to us not to be able to fish the islands as we and our fathers have always done. At the present time, however, it is impossible for us to do so. Gear is so expensive that unless the catch is good the job cannot pay, and the catch cannot be good for so long as this interference by the French continues.

All of which we declare to be true to the best of our knowledge, information and belief.

{Signed} P. J. LE CLERCQ
F. GALLICHAN
E. GALLICHAN

Sworn by the above-named
Philip John Le Clercq, Frank
Gallichan and Ernest Gallichan
in the Island of Jersey this
2nd day of May in the
year one thousand nine hundred
and fifty-one, before me

{Signed} HEDLEY G. LUCE
Notary Public
Jersey

ANNEX A 140

Act of the States of Jersey, 23rd February, 1872, authorizing an Approach to the Home Secretary, following a Petition by Jersey Fishermen, complaining of French Interference with their Fishing at the Minquiers Islets

[Acte des Etats de l'Ile de Jersey, 23 Février, 1872]

Pêcheurs.

Paraissant que les pêcheurs des Paroisses de Grouville et de St Clément qui se rendent chaque année aux "Minquiers", pour se livrer à la pêche des homards ont été depuis plusieurs années victimes des déprédations des bateaux pêcheurs français, qui la nuit leur enlèvent leurs agrès de pêche

“lobster Pots” ; Que malgré les plaintes adressées tant au Gouvernement de Sa Majesté, qu’au Capitaine de Garde Pêche de Gorey, ils n’ont pu obtenir aucune satisfaction de leurs griefs ; Qu’à la veille de renouvellement de pêche, il est urgent que des mesures soient prises pour la protection desdits pêcheurs, dont un grand nombre vivent du produit de cette industrie.—

Enlèvement
d’agrès de
pêche.

Les Etats ont chargé leur Président d’écrire au Secrétaire d’Etat sur le sujet, dans le plus bref délai afin que le Gouvernement de Sa Majesté prenne des mesures pour faire cesser cet état de choses.—

Président
chargé
d’écrire.

CHARTS : ANNEXES B 1 TO B 9¹

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- B 1 : British Admiralty Chart No. 2669, shewing the General Position of the Channel Islands, and of the Ecréhous and the Minquiers Groups of Islets.
- B 2 : British Admiralty Chart No. 3367, shewing Rocks which are above water in the Ecréhous Group of Islets.
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- B 4 : Chart attached to the Extract of the Letter from the French Ministry of Marine, 14th September, 1819, tracing the proposed Limits of English and French Fisheries in the Area of the Channel Isles and Adjacent French Coasts.
- B 5 : Second Chart attached to the Extract of the Letter from the French Ministry of Marine, 14th September, 1819, tracing the proposed Limits of English and French Fisheries in the Area of the Channel Islands and Adjacent French Coasts.
- B 6 : British Admiralty Chart, on which is plotted the Limits of English and French Fisheries agreed on in the Draft Convention of 9th September, 1824.
- B 7 : *Chart accompanying the Fishery Convention of 2nd August, 1839, between the United Kingdom and France.*
- B 8 : *Chart accompanying the Fishery Convention of 11th November, 1867, between the United Kingdom and France.*
- B 9 : Chart of the Maitresse Isle of the Minquiers, drawn by Captain Martin White, R.N., and shewing the True North Line through the Isle, embellished with a Union Jack.

¹ These charts are not reproduced.

ANNEXES C 1 TO C 20
of the Memorial submitted by the Government of the United Kingdom of
Great Britain and Northern Ireland¹

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- C 1: General View of Marmotière (Centre) with Buildings and Flagstaff; to the Right is Maître Ile, on which is seen Lord Trent's House.
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- C 3: Custom House owned by the States of Jersey on Marmotière at the Ecréhous.
- C 4: Slipway built by the States of Jersey on Marmotière at the Ecréhous.
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- C 6: Two-storied House at Blanc Ile, owned by Major R. J. B. Bolitho, a Jersey Resident. with one of the Ruined Huts (Philippe Pinel's) on the right.
- C 7: Slipway built by the States of Jersey on Maitresse Ile of the Minquiers with buildings owned by Jersey Authorities and Residents in the background.
- C 8: Custom House owned by the States of Jersey and a House for the Bailiff of Jersey on Maitresse Ile of the Minquiers.
- C 9: Flagstaff erected on Maitresse Ile of the Minquiers by the States of Jersey.
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- C 11: Detail of an old "stone hut" of Philippe Pinel on Blanc Ile of the Ecréhous, bearing the date 1820.
- C 12: Buildings on Marmotière at the Ecréhous, one of which has a Granite Lintel, inscribed "1882 ST MARTIN . . JERSEY."
- C 13: Visit of the Governor, Bailiff and Jurats of the States of Jersey to the Ecréhous on 31st July, 1893.
- C 14: Photograph mentioned in the Affidavit of J. T. Becquet, shewing Jersey Fishermen, who have fished the Ecréhous since around 1840.
- C 15: Hut erected by W. S. Le Masurier, a Jersey Resident, on the foundations laid down by M. Le Roux.
- C 16: Steel Beacon erected by the States of Jersey at the Maisons in 1937..

¹ These annexes are not reproduced.

- C 17: Steel Beacon erected by the States of Jersey at the Pipettes in 1937.
- C 18: Visit of the Governor, Bailiff and Jurats of the States of Jersey to the Minquiers on 4th September, 1895.
- C 19: Initials cut in stone on the Maitresse Ile of the Minquiers by Jersey Quarrymen in 1792 and 1813.
- C 20: The Foundations of a Hut on Maitresse Ile of the Minquiers, laid down and abandoned by M. Le Roux, a French National, in 1929.

I hereby certify that the photographs contained in this volume are correctly described by the titles thereto.

(Signed) F. DE L. BOIS,
Greffier of the States.