

THE PERQUAGES OR PERCAGES OF JERSEY THE 'SANCTUARY PATHS' OF LEGEND

by

Christopher N. Aubin

Introduction

The Perquages, or Percages, are an oddity supposedly found only in Jersey. Unknown in Normandy and England, they are not even to be found in Guernsey or the other Channel Islands.

Since the seventeenth century perquages have been equated in popular belief with "Sanctuary Paths" which are said to have led from each parish church to the sea by the shortest, most direct route. Before the Reformation, criminals and those accused of crimes who wished to escape prosecution could claim sanctuary in the church and were then allowed to leave the Island by walking down the Sanctuary Path to a boat, never to return. A romantic idea for which, on closer examination, there is no evidence.

The right of sanctuary was well known and used in Jersey. It is recorded since the thirteenth century and last occurs in the middle of the sixteenth century. Conversely, the perquages are only mentioned by name for the first time in 1526¹. This first record is believed to refer to the perquage through the *marais* at Saint Lawrence. It is, however, typical of the problems surrounding the perquages that the second occurrence of the term, some nine years later in 1535, an Act of the Royal Court declared that a road in Trinity was not perquage, a negative response and without explanation!

The aim of this article is to lift the veils that have for so long hidden the origins and purpose of the perquages. It is first necessary to understand the meaning and use of sanctuary and the source of the belief that perquages were sanctuary paths. From an understanding of the later history of the perquages, both their connections with Sir Edward de Carteret, to whom they were granted by Charles II, and their occurrences in the archive of the Island, it is possible to trace the perquages on the ground to see what a perquage was in physical terms. This background information coupled with a further understanding of the land law of the Island and Normandy combines to give a clearer picture of the

¹ All dates given in this article are in the "old style" with the "new style" equivalent year in parenthesis immediately following. Under the old style calendar the first day of the year was 25th March, the Feast of the Annunciation. This style was used in Jersey and was also in use in England where it was replaced by the new style by an Act of Parliament of George II. This was registered by the Royal Court on the 28th December 1751 (O. du C. 1/185) so that it would also have effect in the Island. In most of mainland Normandy and France the first day of the year was at Easter, a movable feast, but it had been changed to the 1st of January in 1564, though it took some years to percolate down to common usage in all the provinces. It should be noted and remembered, however, that in the Diocese of Coutances, in continental Normandy, the old use had been to change the year on Annunciation Day, 25th March, as it had been in Jersey and England. (Nortier, M. 1964 *La date du commencement de l'année dans le diocèse de Coutances au moyen âge*, *Revue du département de la Manche*, Tome 6 p9)

perquages. It will also identify other "fossilized" perquages. Questions may be answered but many more are eventually asked!

The Right of Sanctuary

The right of sanctuary is said to date from the time of Moses². Its practise in Jersey and the rest of Normandy, however, is enshrined in the Grand Coutumier de Normandie, a text written in c1235-1258. The text of the Grand Coutumier explains the practical aspects of Sanctuary; Chapter LXXXII.- DE DAMNES ET DE FUYTIFS:-

Se aulcun damné ou fuytif s'enfuyt à l'église, ou en cymitière ou en lieu saint, ou il se aert [saisir] à une croix qui soit fichée en terre, la justice laye le doit laisser en paix, par le privilège de l'église, si qu'elle ne mette la main à luy. Mais la justice doit mettre gardes qu'il ne s'enfuye d'illec. Et s'il ne veult dedens neuf jours se rendre à la justice laye, ou forjurer Normandie, la justice ne souffrira d'illec en avant que on luy apporte que menger à soustenir sa vie, jusques à ce qu'il (se) soit rendu à justice pour en ordonner selon sa desserte, ou jusques à ce qu'il offre à forjurer le pays. Et le forjurer en ceste forme; il tendra ses mains sur les Saints Evangiles et jurera, que il partira de Normandie, et que jamais n'y revendra; qu'il ne fera mal au pays, ne aux gents qui y sont, pour chose qui soit passée, ne les fera grever ne grèvera, et mal ne leur fera ne pourchassera, ne fera faire ne pourchasser, par soy ne par aultre en aucune manière. Et que en une ville ne gerra que une nuit, si ce n'est par grand défaut de santé; et ne se faindra [hesiter] d'aller, tant qu'il soit hors Normandie; et ne retournera aux lieu qu'il aura passés, ne à aultres pour revenir, ains yra tousjours en avant. Et si commencera maintenant à s'en aller; et si doit dire (vers) quelle part il voudra aller, ainsi luy taxera l'en ses journées, selon sa force et selon la grand quantité et longueur de la voye. Et si remaint en Normandie depuis que le terme que on luy donnera sera passé, ou se il se retourne une lieue arrière, il portera son jugement avec soy: car dès que il sera allé contre son serment, Sainte Eglise ne luy pourra plus aider.

Early references to sanctuary claimants in Jersey can be found in pardons and other documents emanating from the Crown. Having once left the Island, the accused, if guilty of any crime or not, was able to appeal to the Crown for clemency or a pardon.

Thus a letter dated the 14th January, 1234, from Henry III to the Bailiff of Jersey, orders a further inquest into the fidelity of Alice, wife of Pierre d'Orival. A previous inquest in the time of Philippe d'Aubigny (Warden 1212-1224 & 1232-1234) had decided that her allegiance to the English Crown was questionable. In fear of her life, Alice had fled to a church. She offered to submit to an inquest of twenty-four men and it was for such an inquest that the Royal letter commanded the Bailiff to proceed³.

A similar story unfolds around Guillaume le Gallichan on whose behalf the same procedure was ordered in a Royal letter of 27th November, 1236⁴.

Guillaume Porion and his son, Guillaume, a minor, having been accused of several crimes took refuge in Trinity church and abjured the Island. From prison in England they obtained a Royal pardon from Edward I (10th November, 1274) and submitted themselves to the verdict of their neighbours⁵.

² Deuteronomy c.19; see also Numbers c. 35 v 6

³ Lettres Closes Conservés au Public Record Office à Londres 1205-1327, Société Jersiaise, 1893 p36

⁴ op. cit. p37

⁵ op. cit. p49

An undated petition to the Crown shows Gylot Tongart as having fled to England to seek a pardon. Gylot admits having broken into a chest in Mont Orgueil Castle and stealing a sword and a pair of leather gloves which were found in his possession when he was taken. He was held in the house of William Le Petit, of Saint Helier, whence he escaped to the church in fear of death, and abjured the Island. In England the Chancery referred the petition to the King and the Bailiffs of the Island were commanded to certify the manner and cause of the abjuration⁶.

The Jurors of Saint Lawrence in 1309 advised that Gregory de la Vergée fled to the church for stealing conies but he gave himself up and was sent to England⁷.

In Grouville the Jurors reported that Nichola, wife of Robert des Aubers, and Peter du Moutier both fled to the church and abjured the Island. The former for theft and the latter for murder⁸.

Further evidence for the frequent claiming of sanctuary is also to be found in Grouville where the Jurors referred to fifteen *perches* of land in the parish where the King had had stocks for prisoners. The Crown Officers had previously ordered that because these were too near to the church prisoners should no longer be kept there but at the castle⁹.

Not all those who claimed sanctuary of the church left the Island. A sad and apparently unsolved crime, is reported in 1309. The body of nine year old Robert Desnée, who had been murdered, was placed in the mill stream between Saint Peter and Saint Lawrence and left as if drowned. Raulina, the wife of Nicholas Le Desnée, was suspected of the deed. Having placed guards around the cemetery to stop them from gaining access to the church, the Viscount continued with the search for the Le Desnéés. It appears that Nicholas and Raulina then entered the church without hindrance from the guards and remained there for more than fifteen days. The couple eventually surrendered but on being found not guilty of any crime were discharged. However, because they had fled, their chattels were forfeit to the Crown¹⁰.

The early records of the Royal Court show several claimants to sanctuary which was referred to locally as "franchise de l'église". Unfortunately, there were not enough claims to show what effect the changes in State Religion, introduced in England with the successions of Mary and Elizabeth I, may have had. Despite the case for continuous strong Calvinism in the Island, Catholicism was restored during the reign of Queen Mary (6th July 1553-17th November 1558) and sanctuary was still given. The following may be cited.

In 1532 (1533)(jour Saint Gregor, 12th March) Denys Dolbel (doublet) had to pay costs incurred at the castle and provide pledges for his future good behaviour. In 1537 (1538)(10th? March) he was again in trouble for bad behaviour and theft. He was sentenced to banishment on the first available passage leaving from Saint Ouen, his chosen point of departure. Holding the Bible and a cross he swore, according to the laws and customs of the Island, to leave the Island and the lands of the prince and not to return without the latter's grace. Curiously there is no mention of sanctuary¹¹.

In 1533 the Court ordered that Andrieu Caudey be returned to the church where he had claimed sanctuary¹².

⁶ *Ancient Petitions of the Chancery and the Exchequer*, Société Jersiaise, 1902 p26

⁷ *Rolls of the Assizes held in the Channel Islands 1309*, Société Jersiaise, 1903 p308

⁸ *op. cit.* p285

⁹ *op. cit.* p297

¹⁰ *op. cit.* p329

¹¹ Ex3/35 & C3/182 (Ex - Livres de la Cour du Samedi; C - Livres de la Cour de Cattel)

¹² C3/38

On the 5th February, 1534, (1535) Guille Machon at his request was taken from Saint Martin's church where he had claimed sanctuary after confessing to theft¹³.

In 1539 a new edition of the Grand Coutumier was published in Rouen by Guillaume le Rouillé. Le Rouillé expands the chapter on DE DAMNES ET DE FUYTIFS by adding a short commentary on the procedure. First the church (Archbishop, bishop, official or dean) had to be advised so that the oath could be taken in the presence of its representative. The oath was then taken by the accused who stood with one foot on holy ground and one outside¹⁴. This procedure is reflected in the case of Pierre de Lisle in 1542. Pierre, a Norman merchant, had confessed to stealing five silver cups on the 5th July. He escaped from the castle prison and claimed sanctuary in the town church. On the 23rd October, with one foot in the cemetery and the other outside and with his hand touching the Holy Bible, Pierre swore to leave the Island never to return to the land of the King without Royal Grace (bany et foriure hors de ladite Isle et de toute la terre du Roy dangleterre... sans jamais y retourner) He was asked where he wished to go and chose the first available boat to Normandy or Brittany¹⁵. It is not evident if this extra long preamble, as recorded in the Court, reflects the practice locally or if it is a reflection of the Continental Norman procedure due to Pierre being a Norman, and/or the recent publication by Le Rouillé¹⁶.

G. R. Balleine¹⁷ records Thomas Le Seilleur claiming sanctuary in Saint Martin in 1546. According to Balleine, Thomas escaped the gallows by walking down the perquage to a boat that took him to Normandy. However, a different story unfolds in the records of the Royal Court. On the 29th October 1534, based upon his confession of theft and the results of an inquest, Thomas was sentenced to be hanged. The sentence was not carried out. On the 27th January 1546 (1547) Thomas claimed sanctuary in Saint Martin's church, the authorities were notified and the *Connétable*, *Centeniers* and *Vingteniers* ordered to keep guard. One of the *Centeniers*, Geoffrey Nicolle, was in trouble before the Court on the last day of January because Le Seilleur had escaped. Thomas gave himself up and surrendered to the verdict of twenty-four men, surrendering his right of sanctuary at the same time. On the 20th June, 1553, Thomas is again before the Court this time for stealing cattle. For this and taking into account his previous two appearances, he was again sentenced to be hanged. However, in fear of his soul being in eternal danger, Thomas then admitted having earlier falsely accused Charles Fraere and Edmond Bertran of stealing the cattle and they had consequently been languishing in the castle prison. The Court decided to make him an example to others. It ordered that Thomas le Seilleur be hanged till he was dead and that thereafter his body be left hanging till it rot without being given burial¹⁸.

On the 1st April 1557, Maryn Alayn and his wife were found guilty of theft, although they had not claimed sanctuary they offered to leave the Island, this was granted¹⁹.

¹³ Ex1/35

¹⁴ *Le Grand Coutumier du Pays & Duché de Normendie*, Guillaume le Rouillé Dalencon, 1539

¹⁵ Ex1(part2)/287 & 314

¹⁶ The change in name by the *sous-sergents* to *Bedels* in ante 1525 appears to be a reflection of the then recently published Norman Coutumiers. Aubin, C. N., Bordage, Bedelage and Sergenté Tenure in Jersey *Ann. Bull. Soc. Jersiaise* vol26 1994 p246 et seq.

¹⁷ Balleine, G. R. 1970 revised edition *The Bailiwick of Jersey* p145

¹⁸ C1/11, Ex2/66, C5/233 & 234 & C6/119

¹⁹ C6/249

The last recorded case of a claimant of sanctuary is Remy (Remigius) Le Hardy on the 26th February 1557 (1558). Remy claimed sanctuary in Trinity church in the presence of Jean Poulllet, Dean and other officers of the Ecclesiastical Court, in whose records the case appears. Remy was ordered to remain there until otherwise ordered²⁰.

There is no formal cancellation of sanctuary nor does there appear to be a definitive time after which it was no longer used. Sanctuary appears to have been abandoned by non usage, presumably with the change in religious ideas. The same cannot be said of banishment. As noted in 1557 Maryn Alayn *et uxor* were allowed to leave the Island. In 1639 (23rd January, 1640) Richard Picot was discharged from charges of theft. However, the Court thought Richard an undesirable element in society (a debauched blasphemer, player of games, frequenter of taverns, a harmful and pernicious member of the Republic!) and ordered his banishment. He was sent back to prison until such time as an occasion presented itself when he could be sent away!²¹

Jean Poingdestre (Lieutenant-Bailiff) writing in the later seventeenth century is the leading Jersey commentator on the Grand Coutumier de Normandie. In reference to Chapter LXXXII.- DE DAMNES ET DE FUYTIFS he remarks that it had been in vogue in the Island but that as there was no longer any right to sanctuary there was no longer any forswearing of the Island²². This is reflected by Le Geyt, another seventeenth-century Lieutenant-Bailiff and commentator on Jersey law. Le Geyt confirms that "forjurement" was no longer in use in the Island²³. Nevertheless, forsaking the Island as an alternative to a custodial sentence has continued into the twentieth century. That forswearing was still practiced in continental Normandy is evidenced by its inclusion in Article 49 of the Coutume Reformée in 1585; this was in use till the late eighteenth century. Poingdestre, commenting on the Coutume Reformée, which was never adopted in Jersey, makes the only near contemporary statement on the demise of sanctuary²⁴. Referring to franchise he says "cela étant totalement abragé par la reformation de la Religion il n'est besoin d'en entamer le discours".

In France sanctuary was, in part, abolished by Louis XII (1498-1515). The Ordonnance of 1539 of François Ier (1515-1547), Article 166, removed franchise from debtors and civil matters and allowed Juges discretion in criminal cases, any remaining rights having gone before the reforms of 1789²⁵. The right of Sanctuary in England was restricted by the case of Humphrey Stafford in 1487 (High Treason) and further modified by statute by Henry VIII (1509-1547) in 1529 and again in 1531 when abjuration was abolished due to the loss to the realm and consequent defection of able and knowledgeable men. This created "Sanctuary Men" who were obliged to remain at specified places within the realm under penalty of death. The Stafford case was reduced to statutory form in 1534 and regulations for the Sanctuary Men were improved in 1536. An Act of 1540 abolished all sanctuaries save churches, churchyards and certain named places; the right to claim sanctuary was also removed for certain crimes (murder, rape, burglary, robbery, arson or sacrilege). Sanctuary was abolished by James I (1603-1625) in 1623 but some modified form continued for another century in defiance of the

²⁰ Registre de la Cour Ecclesiastic, Printed in *Bull. Ann. Soc. Jersiaise* 1882 p309

²¹ C17/233

²² Poingdestre, Jean, *Les Commentaires sur L'Ancien Coutume de Normandie* (17th century text) 1907

²³ Le Geyt, Philippe, *Sur la Constitution les Lois et les Usages de cette Ile* (17th century text) 1846 p151

²⁴ Poingdestre, Jean. *Remarques et Animaduersions sur la Coustume Reformé de Normandie* MS Société Jersiaise Library

²⁵ Dalloz 1847 Tome V p273/4, see also Ferrière, 1797, *Dictionnaire de Droit et de Pratique*, and Pierre de Merville, 1707, *La Coutume de Normandie*.

law²⁶. These Acts are shown to have had no effect in Jersey. However, the Acts relating to the Confiscation of the Alien Priors and the Dissolution of the Monasteries and of the Chantryes were acknowledged and followed locally but can have had no effect on Sanctuary Paths.

The foregoing clearly demonstrates the long and much practised right of sanctuary in Jersey. It is to be noted that in these references there is not one single mention of perquage or a sanctuary path.

Sanctuary Paths

The often quoted source for the perquages being sanctuary paths is another work of Lieutenant-Baillif Poingdestre²⁷. *Caesarea or a Discourse of the Island of Jersey* was written as an early introduction to the Island and was dedicated to James II. Poingdestre was writing after the grant of the perquages to Sir Edward de Carteret and refers to them as having been lately a road "of farre different vse". His measurements for the width of the perquages cause confusion (6x6=24!) but he describes them as being of the same width as the highways of Normandy and derives "perquage" from "Perque" or "Pertica", a measure of 24 feet. These, he says, began at every church and lead by the shortest and most direct route to the sea, and had no known use other than for the conduct of those guilty of capital crimes who had taken sanctuary.

Turning to another of Poingdestre's learned treatises on Jersey law, he twice mentions perquages²⁸. Under the heading of "public and private roads" Poingdestre repeats the point about perquages being so called because of their width and adds that there was a tradition that these roads were only there for those who had forsworn the Island to reach the nearest port "Ce que j'ay refuté ailleurs" (in free translation "which I have refuted elsewhere"). Writing in the same work under the heading of "Common items or the apportionment of items" he expands further on his own ideas. He reports that perquages had, according to common belief, belonged in history to the church and served as passage for those who had taken sanctuary to leave the Island but adds "Ce que j'estime faux" (again in free translation "which I consider false"). How can Poingdestre be accepted as the source for this equation between perquages and sanctuary paths when he is only repeating common rumour which he himself clearly does not accept?

Poingdestre formulates his own theory as to the origin and purpose of the perquages. He claims that they were the widest of the Jersey roads and were for public use requiring the most space (army manoeuvres, processions and the like) but that the forsworn also used these roads. Poingdestre blames a misunderstanding of the import of chapter XXXII of the Grand Coutumier for this popular misconception.

Poingdestre's belief that the perquages often end in public roads without trace, and his belief that they were wide open spaces, indicates that perhaps he did not actually know their location. His challenge that the local church authorities would have opposed the gift by Charles II to Sir Edward de Carteret if they were church property is valid even though the de Carteret family was once more in the ascendancy in 1663. Poingdestre makes a clear warning to de Carteret not to interfere on the pretext of perquage in any public property or public right; he also emphasises the point that the perquages and waste lands on private fiefs belonged to the seigneurs of such private fiefs and were thus not the property of the Crown to alienate.

²⁶ Tanner, J. R., 1948 *Tudor Constitutional Documents A.D. 1485-1603* with an historical commentary. (21 Henr. VIII, c.2.; 22 Henr. VIII, c. 14.; 26 Henr. VIII c. 13.; 27 Henr. VIII, c. 19.; 32 Henr. VIII, c. 12 & 21 Jac. I c. 28.)

²⁷ Poingdestre, Jean, *Caesarea or a Discourse of the Island of Jersey* (17th century text) Société Jersiaise, 1889 p42

²⁸ Poingdestre, Jean, *Les Lois et les Coutumes de L'Ile de Jersey* (17th century text) 1928 p116 & 193

De la Croix attributes an interesting quote to Le Geyt²⁹. Referring to the widths of Jersey roads, Le Geyt is quoted as stating that the "perceage" at 24 *pieds* was the old Grand Chemin Royal from the chapter on *Damnés et Fugitifs* in the Coutume, whence arises the "ridicule fiction" that the perquages were dedicated to that use. Le Geyt is claimed to add that this is against all semblance of truth, the Coutume and the Glose show the error. This again supports Poingdestre's belief.

The Perquages - the de Carteret Connection

As intimated, Sir Edward de Carteret was the recipient of a Royal grant of the perquages.

Sir Edward was the youngest of the seven sons of Sir Philippe de Carteret, Seigneur of Saint Ouen, who held Elizabeth Castle for the Royalist cause until his untimely death during the Parliamentary seige. At this time Edward was with his mother who was holding Mont Orgueil Castle. In 1649, when Charles II was in Jersey, Edward was appointed Cup-bearer to the King's brother, the Duke of York and future James II. He left the Island with the Duke in 1650³⁰ and spent two years with him in exile in Paris and Brussels. At the Restoration in 1660, Edward rejoined the Duke as Cup-bearer in London.

After the Restoration Edward petitioned Charles II with a request for a grant to him of the perquages³¹. His Petition:

Humbly sheweth,

That there is a certaine thing called Percage in the Island, out of which ariseth some small proffitts & perquisites of the value of about ten pounds per annum, which ever since the decease of Gideon De Carterett, the uncle of the Petitioner (who had a Grant for the same) hath remained undisposed or granted either by your Majestie or Royal Ancestors. In tende consideration whereof & of the long & faithfull service performed by your Petitioner.

Your Petitioner humbly prays that your Majestie wilbe graciously pleased to confere, the said Percage, to him & his heires, with all the proffitts, Rights & Immunities there unto belonging, & that without intreuding, either upon your Majestie's Revenues, or other the Rights, & Interest, & propriety of any particular persons in the Island.

Edward's uncle, Gédéon de Carteret, had been *Vicomte* from 29th July, 1620³². He was replaced by Laurens Hamptonne on the 7th July 1621³³. Edward himself was to hold the office from the 30th

²⁹ de la Croix, *Jersey: ses Antiquités, ses Instituts, son Histoire*. 1859-1861, volIII p341

³⁰ *Journal de Jean Chevalier*, Société Jersiaise 1906-1914

³¹ Public Record Office, SP 29/448 (underlining indicates expansion of contractions)

³² Ex31/303 Lettre Patente James I, 5 June 1620

³³ Ex32/106 Lettre Patente James I, 29 March 1621, By which time Gédéon de Carteret had died.

May, 1668 until his resignation in 1683³⁴. In response to the petition, Edward's cousin, Sir George de Carteret, was asked to report:

At the Court att Whitehall the 5th November 1662

His Majestie taking notice of the peticoner's services is graciously pleased to refer this peticon to Sir George Carterett to examine the yearely value of the lands in the peticon menconed and to certefie in what manner & to whom it was formerly grannted and what may bee convenient for his Majestie to doe therein where upon his Majestie will declare his further pleasure.

Sir George's brief report was dated at Whitehall, the 5th March 1662 (1663)³⁵:

In [evidence?] to your Majestie's comand I have enquired as well as I could at this distance [&] likewise knowing something by my owne observation whilst I was in Jerzey [] part of the wast ground mentioned in this petition (which is not possesst by aine [one] but still remains wast & in common is not worth above 10L yearly but do [not] know that it was ever graunted to aine person heretofore. All which I most [hum]bly submit to his Majestie's further pleasure.

Following upon Sir George's report, *Lettres Patentes* were granted to Edward de Carteret on the 13th May, 1663 which were enrolled by the Royal Court on the 18th July of the same year³⁶.

³⁴ Vicomtes de Jersey, *Bull. Ann. Soc. Jersiaise* 1895 p297 et seq. John Nicholls (Nicolle) was granted the office of *Vicomte* for the term of his life by *Lettres Patentes* of 25th February 13 Chas II(1648 (1649)) in the same *Lettres* Edward de Carteret was granted the survivorship of the office of *Vicomte* and after him Philippe Payn in succession. Nicholls was sworn in on the second day of the Cour d'Héritage of 25 April 1661 (H12/92 where the *Lettres Patentes* are recorded *in extenso* see also Public Record Office C66/2961), Payn was sworn in as a Jurat on the 28th April 1664 (H14/49, 7th day) reserving his survivorship to the office of *Vicomte*. Nicholls resigned and de Carteret was sworn in as *Vicomte* on the 30th May 1668 (Ex57/200). On the 4th February 1648(9) de Carteret was about to leave the Island for an extended period and therefore appointed Philippe de Carteret as his deputy in accordance with his Patent. Whilst he was still in London, Edward received a letter from Philippe releasing him from their agreement and allowing Edward to appoint another Deputy. Edward therefore reached agreement with Philippe Messervy by Indenture dated 26 August 1669 (MS DV Société Jersiaise Library) which was presented together with Messervy in Court on the 20th January 1669(70) (H14/275). Elie Pipon, the *Dénonciateur*, opposed the appointment on the grounds that he, as *Dénonciateur*, was the preferable candidate, (he added that he would have opposed the earlier appointment of Philippe de Carteret had he been aware of the proposal, it is interesting to note that on the 4th Feb 1648(9) the full Court had not sat because of the *rigueur du temps*). The Court debated the issue, found in Pipon's favour and duly swore him to office as *Deputé Vicomte* for the period agreed between de Carteret and Messervy. Messervy petitioned the King and on the 29 June 1670 the King in Council ordered the Royal Court to report its reasoning. Messervy was eventually sworn as *Deputé Vicomte* on the 1July 1671 following upon the issue of a *Lettre de Cachet* 12 April 1671 (Ex59/68); he remained in office until his death in 1674. Elie Pipon, whilst retaining his office of *Dénonciateur*, was sworn in as *Deputé Vicomte* on 27 June 1674 (Ex60/146) and was in turn replaced by James Allain Jnr on 28 September 1680 (Ex64/115). Sir Edward de Carteret resigned in 1683 (probably October), but he had outlived Payn who thus never became *Vicomte*, and was succeeded by James Corbet who was appointed by *Lettres Patentes* of 21st Nov 1683 registered in Jersey on the 28th Feb 1683 (1684) (Pat1/24).

³⁵ Public Record Office SP29/448

³⁶ Ex50 18th July 1663, Published by the States of Jersey, Ordres du Conseil, Vol 1 1536-1678 1897

The grant to Edward was in recognition of the services given to the King and his late father, Charles I, by both Edward and his late father, Sir Philippe de Carteret. By the terms of the Letters Edward was granted not only the Perquages but also other waste lands and buildings belonging to the Crown, together with lands abandoned by the sea. All these lands were to be held for an annual payment of five shillings sterling and were to be held "as of the Manor of East Greenwich in Kent", in free and common socage.

This grant "as of the Manor of East Greenwich in Kent" is unique in Jersey. It derives from English feudal practice and was by the mid-sixteenth century an accepted conveyancing short-hand expression for the granting or sale of Royal lands to be held indirectly from the Crown as opposed to a grant *in capite*. The formula interposed the manor of East Greenwich between the new tenant and the Crown. It was a preferable arrangement for the tenant but it removed certain Crown privileges associated with direct (*in capite*) tenancies³⁷. It was much used in the sale of land deriving from the alien priories and in the granting of land in the Americas.

The first recorded sale by Edward of a section of perquage is a contract passed before Court on the 19th October 1663. The sales of perquages and waste lands, usually to neighbouring landowners, continued until his death, as Sir Edward, in 1698. Under Jersey inheritance law the perquages would have been *conquêts* and *acquêts* in Sir Edward's hands as opposed to *propres*, i.e. they had been acquired from outside the family and not inherited. Sir Edward was thus unable to dispose of them by will, a concept alien to Jersey law, and he was able only to leave his movable property to his young widow, Madelaine Durell. Sir Edward died without leaving any direct heirs. There is no recorded *partage* and his property therefore was inherited by his closest collateral relative. In a collateral succession the degrees of relation were calculated by the Civil Method; Sir Edward's heir was thus his sister Anne, wife of Daniel Brévint (or Brevin). Much has been written about Sir Edward's widow inheriting the perquages and selling them to Anne. This has doubtless been an attempt to explain why they were not inherited by the senior, manorial branch, of the family which was then represented by the heirs of Sir Edward's nephew, Sir Philippe de Carteret (d.1693). However, such concoctions are unnecessary.

Madelaine Durell, widow and legatee³⁸ of Sir Edward de Carteret, also enjoyed a right of *douaire* (dower) on the real property of her late husband. On the 25th May, 1699 she transferred to Anne Brevin her right to the *arrérages* (the product of rente, unpaid interest) of the *rentes* created in the sales of sections of perquage and which, as *meubles*, she had inherited by Sir Edward's will. Anne immediately started proceedings for the recovery of the outstanding sums³⁹.

Anne continued to sell sections of perquages, waste lands and the *rentes* created on earlier sales until her death in 1708 when she was succeeded by her two granddaughters, Charlotte and Sara Hussey. Her only daughter, Charlotte, who had married Sir Edward Hussey, died in 1695. Charlotte and Sara still owned a few lengths of perquage which they sold along with some waste lands and more *rentes*. Charlotte, who married Thomas Pochin, outlived her sister and was succeeded by her daughters, Charlotte, who married Charles James Packe and Sara, who married the Reverend George Pochin. Charlotte and Sara continued to sell *rentes* until 1775. Sara died without issue but Charlotte's son and heir, Charles James, still claimed certain lands in right of the original 1663 grant to Edward.

³⁷ Leggatt, D. The Manor of East Greenwich and the American Colonies, *Transactions of the Greenwich and Lewisham Antiquarian Society*, Vol8 p196

³⁸ Sir Edward de Carteret's will of movable estate was received at the Judicial Greffe on the 19th October, 1698 Vol2 bound No81. It is dated 26 Jan 1694 (1695) with three additions dated the 10 Feb, 1695 (1696), 16 March, 1696 (1697) and 4 June, 1698. Although *rente* is *immeuble*, the *arrérages*, the product of unpaid interest on the *rente*, is *meuble*.

³⁹ C30/254

Indeed, he and his son, Charles William, were still agitating in 1818 and 1861, but their story is beyond the scope of the present work⁴⁰.

Sir George's report valued the perquages as worth no more than an annual rent of ten livres. As noted, the grant to Edward was for an annual *rente* of five shillings Sterling. In his life time Edward sold most of the perquages. One of the early sales was to Philippe de Carteret, d'octeur en medicine (sic), of La Hague and was for a *rente* of five shillings *loyalle monoye d'Angleterre*. This one sale paid the rent due to the Crown, all else was profit!

It is not possible to give an exact figure for the money and *rente* raised by Edward on the sales of perquages and waste lands. The monetary value of a *rente* could vary, some sales were by the *perche* (in length) but with no length or total consideration given and some sales were for other *rentes*. However, the perquage sales by Edward in his lifetime grossed at least 3,000 *livres tournois*. The locally current *livre tournois* was worth about two shillings sterling, i.e. a ratio of about ten to one. On this basis, the value of the perquage sold was approximately £300 sterling. From the figures given in contracts of sale of *rente* one *livre tournois* of *rente* was sold for between twenty-six and twenty-eight *livres tournois* cash, giving a ratio of, say, twenty-seven to one. Thus the £300 cash would be equivalent to an annual rent of £11, Sir George's estimate was quite accurate! The waste lands sold by Edward raised at least another 1700 *livres tournois*.

Having obtained a grant of the perquages and started the profitable business of selling them off, Edward soon ran into problems. Notwithstanding the occasional perambulations of the Royal Court on its *Visite Royale*, or *Visite des Chemins*, the perquages had been encroached upon by many of the neighbouring land owners. Some sections of perquage had lain abandoned and unused. The legal system was such that it could have coped with the necessary law suits to be brought by Edward but it would have been a long, and doubtless costly process, as there were so many cases to be brought.

At the request of Edward on the 5th September, 1663, the Royal Court inspected the perquage in Saint Helier on the 8th October, 1663. They attended again on the 23rd October, in particular to delimit the perquage between the lands of Thomas Helgrowe (Hilgrove) and Jean Dumaresq. Progress was presumably too slow for Edward.

In order to by-pass the system Edward again petitioned the Crown.

On the 2nd June, 1664, Edward de Carteret presented to the Royal Court a letter of 1st April, 1664, from King Charles II which was duly registered in the *Livres de la Cour du Samedi*⁴¹. The letter was addressed to the Bailiff and instructed him, or his lieutenant, and at least three Jurats with the assistance of the Crown Offices to enquire into the encroachments and boundaries of the perquages. If necessary they were to attend on the site of such encroachments and disputes and summon the owners and any witnesses. The final instruction was for them to put Edward in peaceful possession of all the lands that they believed (after due enquiry) belonged to him in virtue of the grant.

On the 16th July, 1664, the Royal Court again attended to the Saint Helier perquage at the further request of Edward, this time supported by his Royal Letter. The perquage was clearly defined. The perquage in Saint Brelade was also delimited as a result of these Lettres in 1666.

Source Material for Locating the Perquages

The sections of perquage can be plotted by using a combination of sources. The evidence from the sales by Edward de Carteret and his heirs can be added to the evidence available from other Court records.

⁴⁰ Anne Brevin's will of the 6th December, 1706, was proved at London on the 21st February, 1708, but would not have been recognised in Jersey. The will however, purported to leave her Jersey real estate to her two granddaughters. Packe family papers, Société Jersiaise Library, 347.03 PAC

⁴¹ Ex50 2 Juin 1664; Printed in Ordres du Conseil Vol 1 p255 et seq.

The *Visite Royale* is nowadays held twice a year to visit two parishes in regular succession. Before the grant to Edward, when the perquages were still Crown property, or at least administered by the Crown, the perquages were subject to the jurisdiction of the Royal Court during the *Visite Royale*. The records of the Visites from 1613 to 1663 show many adjacent land owners being fined for encroaching on the perquages⁴².

In Saint John on the 16th June, 1613, André Le Marinel was fined for obstructing the perquage with animal skins from his tannery. The next day, in Saint Brelade, the minor children of Pierre Bichard were fined for leaving their boat on the perquage.

On the 6th July, 1614, in Saint Helier, Noel Godel was fined for having built his wall on the perquage, Thomas de Soulemont for branchage and the heirs of Aaron Stocall and Thomas Filleul were fined half and half, because the perquage was found to have insufficient width between their properties.

At the next Saint Helier *Visite*, 10th July, 1617, Noel Godel, Aaron Stocall and Thomas Filleul were still in trouble for the same causes. Indeed on the last *Visite* to Saint Helier before the grant to Edward de Carteret on the 8th July, 1659, Aaron Stocall and, by then, Philippe Dumaresq in right of Thomas Filleul, were still in default!

There are a great number of examples of such and similar actions, many of them were as persistent in their defaults. Other notable infractions include: the establishing of field banks, ditches and retting pits, the cutting of turfs and the planting of apple trees. It is also recorded that at least two claims were made to ownership of sections of perquage through acquisition from Royal Commissioners. Several cases show that exchanges of land had taken place with neighbouring owners.

Only once did the Royal Court specifically visit the perquages. On the 8th September, 1645, the Bailiff, assisted by five Jurats and in the presence of the Lieutenant-Governor and Royal Commissioners, inspected the ancient courses of the perquages. They started at Beaumont and followed the perquage up stream from the sea through the parishes of Saint Peter, Saint Lawrence, Saint Mary and Saint John to the south-east corner of the parish cemetery. The Court noted that the last section of perquage had long ago been exchanged with a neighbouring land owner and that it had previously lead to the south-west corner of the cemetery. They then appear to have travelled to Saint Peter and followed the perquage from near the cemetery to the sea at Saint Aubin. In each parish the Court party was accompanied by the *Connétable* and twelve sworn parish men (*Sermentés*).

It is curious to note that although the spelling of perquage or percege varies from document to document and from time to time that the scribe recording the 1645 *Visite* had very particular ideas. The spelling starts at Beaumont as "perquage" but this has been defaced by the overwriting of a "c" on the "qu" and from Gargate mill up stream it is clearly written "percege".

The Perquages

There were only eight distinct perquages but there are reasons for considering the existence of a ninth and possibly a tenth. These were (anti-clockwise from Saint Helier):

- 1) Saint Clement
- 2) Saint Catherine's Valley
- 3) La Grève de Lecq Valley (west branch)
- 4) Les Vaux Cuissin
- 5) Le *Marais* du Val
- 6) Les Vaux
- 7) Saint Peter's Valley
- 7a) Saint Peter's Valley - Saint Mary's branch
- 8) Les Grands Vaux / La Vallée des Vaux

⁴² Livres des Visites des Chemins, Judicial Greffe. (V des C)

Except for Saint Clement none of these perquage "names" mentions a parish or a church. That is a deliberate aim in the use of these "names".

1) Saint Clement

Very little is known about the perquage in Saint Clement. It is mentioned only once. Abraham de Ste Croix (fils Collas) was the tenant of the bankrupt property (*tenant après décret*) of Griffon, and on the 26th January, 1607 (1608), he sold a part of that property to Henry Hodson⁴³. The sale was of three adjoining pieces of land including "le pray de la longue pièce" with its part of the perquage ("avec sa part du perage"). Hodson sold part of his acquisition to Jean Gault four months later⁴⁴. De Ste Croix was then declared bankrupt, the two *tenants* were Gault and Charles Adverty who bought out Gault. A second copy of the 1607 contract is recorded in the Registres des Décrets at the time of de Ste Croix's bankruptcy.

Despite thorough and extensive documentary searches of areas where these parties are known to have had property no further occurrences or references to perquage have been found. It has unfortunately thus proved impossible to locate this perquage with any certainty. The Hodson family was centred in the low lands to the south of Verclut, and it is presumably in this area that the search for the perquage should continue. However, the other potential site is Le Val au Moine lying to the north and west, up stream, of the parish church.

2) Saint Catherine's Valley ⁴⁵

This is the perquage down which the unfortunate Thomas Le Seelleur would probably have wished to have had the option of walking to a waiting boat. It starts near Saint Martin's Parish Church and follows the stream to Saint Catherine's Valley and thence past La Mazeline to the sea. The start of the perquage is shown in the sales by Edward de Carteret and the ensuing law suits.

De Carteret sold on the 12th November, 1663, to Jean Le Hardy all rights he had to the perquage from the steps at the north of Saint Martin's cemetery, passing through the *Bénéfice* lands, to the *issues* belonging to Le Hardy as part of his lands known as "les fermes du sucq". Le Hardy already claimed ownership of this section of perquage in right of his *Lettres Patentes* granting "les fermes du sucq". However, the site of the northern part of Samuel Le Four's house was specifically retained by de Carteret, as Le Four had built on the perquage. Two days later de Carteret sold to Le Four the site of the northern part of his house as far as the offset (relief) of the "clos du bénéfice", this sale was for an annual *rente* of 40s⁴⁶.

In 1661, before his purchase of a section of perquage, Le Hardy objected to the *Visite Royale* which tried to pass along a road that lead from the house of Abraham Baudains towards the land of Amice Badier. This track ran to the south of Le Hardy's land "les fermes du sucq" and to the north of the *Bénéfice* lands. The court ordered that the road be retained for public use but allowed Le Hardy to keep the gates he had placed at its entrance. In 1668 Le Hardy again claimed ownership of a small public road which ran past the west side of the cemetery and abutted, at its north end, the previously mentioned road. His claim, which was based on the sale by de Carteret, had lead him to block the road and he was actioned by the parish to re-open it. A *Veue du Vicomte* was held. The road was confirmed as belonging to the *Bénéfice* of the parish and was to be kept open for public use, as it had

⁴³ RP2/209 (RP - Registre Public des Contrats)

⁴⁴ RP2/230

⁴⁵ See appendix for a schematic plan of the perquage sales by de Carteret and his heirs.

⁴⁶ RP17/261 & 254

been, for the passing of "charue & charette baptesmes nôces & enterrements". De Carteret was then actioned by Le Hardy under the guarantee of his sale and duly ceded any claim he may have had, he also reduced the *rente* paid by Le Hardy from *deux sous* to *six denier* Sterling⁴⁷.

The site of the perquage had thus become indistinct and was unknown to the *voyeurs* at the *Vue*. However, the sale to Le Four stood; indeed, when Le Four's descendant sold his house in 1829 the purchaser was charged to pay the 40 *sous rente*⁴⁸.

Le Four's house has been demolished and the site re-used. It stood immediately to the west of the public car park to the north-west of the church, the field to the north being part of the *Bénéfice* land. Part of this site, the north-east corner, is on perquage.

Jean Le Four had purchased the property from his father, Guillaume, in 1625. Guillaume had already sold the adjoining house to the south to Augustin Collas in 1607. This latter property passed through several hands and was sold in 1658 to Amyce Alexandre. In both the 1607 and 1658 contracts reference is made to the taking of water; in 1607 the purchase was without prejudice to the neighbourhood's use of water as of old and in 1658 the purchaser was charged not to prohibit the neighbours from drawing water, as of old⁴⁹.

Comparing the contours on the ordnance survey map and the above contracts it appears that one of the springs furnishing the stream in Saint Catherine's valley rose to the west of the church and flowed north and east; this is also the route of the perquage.

Le Hardy also purchased the waste land at La Croix and a further section of perquage on the east side of the road to Rozel. The next section downstream was bought by the heirs of Abraham Marie who also owned the lands on the west of the road adjacent to Le Hardy's first purchase.

Both the sales by Edward de Carteret to Thomas Le Manquais and to David Bandinel refer to a spring (*fontaine*) lying between their respective purchases which was to remain open for public use, as it had in the past. This is La Fontaine Gallie.

The Le Manquais sale, which specifically did not include the *fonds* of the public road (La Rue des Vaux), stops at the property of the heirs of Nicolas Coignard. Collas Coignard and his un-named wife purchased their property on the 21st May, 1614, from Clément Jennes. The property's title derives from the purchase by Thomas Baudain dit Perronelle from Jean Le Manquais of the site upon which he built the house, on the 14th July 1607. The land bordered on its east the Common of the Fief de l'Abbesse de Caen⁵⁰.

From the end point of the Le Manquais purchase to the confluence of the two Saint Catherine's Valley streams there is no recorded sale of any perquage. This can be explained by three possibilities: i) the sale is not recorded; ii) the minor heirs of Nicolas Coignard were unable to proceed with a purchase at the time and never did; and/or iii) the perquage was incorporated in the Common of the Fief à l'Abbesse de Caen which lies to the north west of the stream. In this latter case, de Carteret may have come to an agreement with the tenants of the Fief or the perquage may long since have been regarded as part of the common if it did not actually form the common itself.

There were no mills on this south branch of the Saint Catherine's Valley stream. On the north branch, with which it joins just above the Dumaresq purchase, there was a mill sited approximately where it is crossed by the modern main road. A malt mill is recorded here as having been sold by the

⁴⁷ V des C Saint Martin 9th July 1661; 1668 (1669) Jan 21st H14/235 et seq. (H - Livres de la Cour d'Héritage)

⁴⁸ 13th Nov, 1829 RP148/225

⁴⁹ 1607 (1608) Jan 9th RP2/216; 1625 Apr 16th RP7/65; 1658(1659) Mar 19th RP16/135

⁵⁰ 14th July 1607RP2/163; subsequent sales:- RP3/304; 4/17; 4/64; 21st May1614 RP4/160

Seigneur of Rozel in the early seventeenth century, though the mill seems to have been abandoned at about that time⁵¹.

The perquage below the confluence of the two branches of the stream lies to the north of the Crown Fief (*Fief du Roi*) Common and in part to the south of the Common of the Fief of Rozel. The next to last section of perquage was sold to the heirs of Sir Philippe de Carteret, Seigneur of Rozel. It ran along the Rozel *côtils* as far as the *planque* above Le Moulin de la Perrelle (also part of Rozel) and as far as the land of Droet Godfray.

Le Moulin de la Perrelle was the seigneurial mill for the Fief of Rozel. It is situated on the Fief to the north of the stream, though the original course of the stream is now difficult to distinguish due to both the existence of the German reservoir, which is an enlargement of the mill pond, and the works carried out in the last century when the valley became a quarry during the building of Saint Catherine's Breakwater. Changes to the floor of the valley may have been made following upon the acquisition of part of the perquage by the heirs of Sir Philippe de Carteret in 1666.

Godfray's purchase was from the public road (at Le Moulin de la Perrelle) and went as far as the high tide mark, *le plein de la mer*.

3) La Grève de Lecq Valley (west branch)

There are two streams that run north to enter the sea at La Grève de Lecq. The eastern stream arises in Saint Mary and runs north-west, there is no perquage along this stream. Conversely, the western stream arises at La Ville Bagot in Saint Ouen and runs north-east to La Grève de Lecq, this stream was also followed by a perquage.

There are only three sales by Edward de Carteret that relate to this perquage. As they all sell the same section of perquage it is worth recording them in detail⁵².

On the 22nd October, 1663, Edward de Carteret sold to George Dumaresq all the perquage commencing at the *jardin* of Edouard Le Rues going north until the point of a piece of land called "Le Maresquet" belonging to Jean de la Perrelle. The perquage lay between "Le Maresquet" and the *pré* belonging to Edouard Le Rues. In addition, the sale included all the perquage running north from the point of "Le Maresquet" to the *côtil* belonging to Richard Gasnier, lying between the lands of Nicollas Le Montais and those of Servais Le Cerf. It was all on the Fief of Léoville in the parish of Saint Ouen.

On the 3rd December, 1664, Edward de Carteret sold to the same George Dumaresq nine *perches* in length of perquage joining the northern end of the *jardin* of Edouard Le Rues following the valley between "Le Maresquet" of Jean de la Perrelle, fils Philippe, and the *pray* of Edouard Le Rues. The sale also included the perquage starting at the *côtil* of Nicollas Le Montais and that of Servais Le Cerf following the valley towards the sea. This sale was said to cancel all other agreements and contracts between the parties.

In 1663 the sale had been for four *sous tournois rente per perche* for the first section and one *sous six deniers rente per perche* for the second section. In 1664 a total price was given for both sections of three *livres tournois rente*.

George Dumaresq was later declared *en décret* (Cour du Câtel, 20th June, 1689) and Edward de Carteret was repossessed of the perquage. The *tenants* of George were Elie Dumaresq (his nephew) and the minor heirs of Benjamin Dumaresq who sold out to Elie in 1695. On the 14th June, 1690, de Carteret again sold this section of perquage to Jean Le Rues, *fils* Edouard. The description of the perquage was of a parcel of perquage lying between the lands of the said Jean and those of Philippe de la Perrelle and generally all that had been sold to George Dumaresq. Curiously, the sale was for a rente of only 40 *sous tournois*.

⁵¹ The mill was sold on the 6th Mar 1621 by Abraham Perrin to Noé Le Geyt RP7/81

⁵² RP17/293; 18/37 & 25/19

Jean Le Ruez's grand daughter, Marie, (wife of Elie Le Gresley) sold the family house in 1761 to Edouard Hacquoil, *fils* Pierre. This sale included all the perquage that Jean had acquired from de Carteret and bound the purchaser to pay 40 *sous rente* to the heirs of Anne Brevin (née de Carteret). Hacquoil's son, Philippe, sold the property to Elie Briard in 1800. From this contract the perquage can be traced forward in time. A section was sold in the 1980's to the Public of the Island as the site for a pumping station⁵³. The house still stands, it is on the east side of the lane that leads from La Ville Bagot to Léoville.

The next house to the north, which makes the corner with the lane that leads from La Ville Bagot to Grève de Lecq, is the de la Perrelle property. The heirs of Jean de la Perrelle received the property by the *partage* of Jean's late father, Philippe, of the 17th October 1663. Under the terms of this contract in addition to the house they received "le Maresquet" which measured twenty-four *perches*. When Philippe received it in the *partage* of his father's estate in 1624 it contained twenty-seven *perches* and twenty *pieds*⁵⁴.

The lands to the south of the Le Ruez/Briard house belonged to the de Lecq/Dumaresq families who were the *tenants après décret* of George Dumaresq though it is unclear if their title derives from George Dumaresq. The field to the east of the stream, "Les Grands Jardins" and that to the west, "Le clos du Ménage de Maître George", are both on the Fief of Léoville⁵⁵. There is no indication of the perquage having passed in this direction, it appears to have followed the northern most of the west branches of the stream to La Ville Bagot.

Further indications of the perquage in this area can be obtained from a *contrat de bornement* passed in 1605(1606) between Jean de Carteret, *Seigneur* of Vinchelez de Haut, and Elie Dumaresq, *Seigneur* of Vinchelez de Bas⁵⁶. This contract set out the boundary between the two fiefs. It started at the stream below the lands belonging to Edouard Hasquoil and followed the sea eastwards until reaching the "greves de laicq" and the Fief Descracqueville. From there it followed the "perquage" and the track below the house of Benest Robert. The Robert property passed to Guillaume Dumaresq in 1774; this is the house opposite the de la Perrelle house on the north side of the lane from La Ville Bagot to La Grève de Lecq.

There were no recorded mills on this perquage. However, on the east branch of the stream running to La Grève de Lecq from Saint Mary there were two. Le Moulin de Lecq (or in older documents sometimes called Le Moulin du Ruaval) still stands towards the north end of the stream. It is fed principally by the east stream but has of recent years also had a live water supply from the west stream. Despite extensive researches of the neighbourhood no documentary evidence has been found for this latter stream as a medieval supply for the mill. Le Moulin de Lecq had two *écluses* or mill ponds. The existing dried out pond is "la grande écluse", the other, probably older pond "la petite écluse", was situated down stream of the first at the confluence with the next minor valley on its south, "le vallet Codrey". "La grande écluse" was established, or enlarged, on the site of Le Moulin de la Píperie, a site sold by the Crown to the *Seigneur* of Vinchelez de Bas in 1562⁵⁷.

4) Les Vaux Cuissin

⁵³ RP47/46; 90/96 & 870/668

⁵⁴ RP17/24 & 6/339

⁵⁵ RP55/110 & 55/102

⁵⁶ RP2/224 16th January 1605 (1606)

⁵⁷ MS Saint Ouen, Sale by Commissioners of Elizabeth I to Jean Dumaresq 24th Oct 1562

The second perquage in the parish of Saint Ouen leads to the sea in Saint Ouen's bay. There are only two sales, one by Edward de Carteret and one by Charlotte and Sara Hussey.

On the 25th June, 1664, de Carteret sold to Pierre Dauverne all the perquage beginning at the "pont des Croix du Roy" and leading south-west, following the valley "les vaux cuisin", until reaching the south-west edge of the lands belonging to Jean Dauverne, fils Jean fils Jacques. On the 10th December, 1715, Charlotte and Sara Hussey sold to Jean Vibert, fils Jean, all the perquage from that sold to Dauverne going west between Vibert's lands. Both sections of perquage are said to be on the Fiefs of Morville and Saint Ouen⁵⁸.

The "pont des Croix du Roy" is on La Rue de la Ville au Bas at its junction with la Rue des Nouettes. From here a stream descends down Les Vaux Cuissin to the sand dunes where its old course has perhaps been lost in "le Canal Vibert". Dauverne's house is immediately north of the stream on the west side of the road.

Two articles have been published by Doctor Frank Le Maistre in the Bulletin of the Société Jersiaise concerning the Saint Ouen perquages⁵⁹. It is unfortunate that, having "discovered" the existence of the second perquage through his local knowledge, when being presented with documentary evidence for its existence Doctor Le Maistre dismissed it as a scribe's error in locating the perquage on the Fief of Léoville instead of on those of Morville and Saint Ouen. He consequently identified all five sales as part of the Les Vaux Cuissin perquage.

Doctor Le Maistre further erred in his belief that the perquage had to lead to the church. Having correctly identified the "pont des Croix du Roy" as the starting point for the sale by de Carteret, the 1948 article extrapolates the perquage eastwards and then southwards to the parish church, whilst at the same time stating that there is no evidence for this extension.

Extensive researches, at the Public Land Registry into ownership of the fields to the east of the "pont des Croix du Roy" in the area generally known as "La Tihelle" have produced no indications of perquage whatsoever. These researches start from the early seventeenth century and the founding of the registry. Neither has evidence been found for a continuation of the perquage from the "pont des Croix du Roy" to the north-east along the public road which is known as "Water Lane".

On three occasions the Saint Ouen perquages were inspected during the *Visite Royale* between the years 1613, when the records commence, and 1663 when the perquages were granted to Edward de Carteret.

On the 5th July, 1636, Thomas Jean was fined for having established a retting pit in the perquage stream. On the 2nd July, 1657, Philippe Syvret *fils* Jacques, was ordered to leave a sufficient width of perquage near his house and not to cultivate its edge on pain of a fine of twenty francs. On the same day Elie Jean was fined for having moved the water course from the middle of the perquage so that it flowed along one side where it had eroded the bank. Jean was ordered to repair the damage and to reinstate the stream in its old course. He was also ordered not to appropriate the *fonds* of the perquage, but to leave it open for the benefit of the neighbourhood on the threat of a ten *livres* fine.⁶⁰

5) Le Marais du Val

There is only one reference to a perquage in le *Marais* du Val. However, there are additional indications to its existence.

During the *Visite Royale* of 1613 (17th June) the Royal Court passed along Saint Brelade's Bay where they found a boat left on the perquage.

⁵⁸ RP18/17 & 29/228

⁵⁹ *Bull. Ann. Soc. Jersiaise* 1948 & 1936

⁶⁰ V des C 2/13 & 103

Jean bisson meneur des enfans pierre bischard a l'amende pour un bateau trouvé sur perquage appartenant auxdits enfans au pres du Temple de Saint Brelade⁶¹.

At first sight this implies the so-called perquage at the south-east corner of the churchyard leading down a flight of steps to the sea. However, the *Visite Royale* is not supposed to retrace its route, once it has passed down a road it cannot follow that same section of road again but must find an alternative route. In 1613 the Court travelled west along the bay to the boat and then carried on in the Vingtaines des Quennevais and du Coin. Had they passed the south-east corner of the churchyard they would have been in the Vingtaine of La Moye and they would have had to continue up Le Mont des Croix towards La Moye.

A detailed history (from c.1600) of the property lying to the south of Saint Brelade's Church, adjacent to the supposed perquage, has failed to reveal any indication of perquage⁶².

A stream enters Saint Brelade's Bay to the north-east of the church, this stream separates the Vingtaines des Quennevais and de la Moye. The land on both sides of the stream is on the *Fief du Roi*. The stream arises near La Moye school and follows "Le *Marais du Val*" to the sea.

There are no other records of perquage on this stream either in the Court Records or in the sales by de Carteret and his heirs. However, there are indications of a lost perquage. The presumption is that the eastern part of the perquage was "absorbed" into the *bénéfice* lands and the cemetery to the north of the church.

A track runs alongside the western half of the stream from its source. This track is of unknown ownership, though this in itself is not uncommon for an old Jersey road! In 1905 The Crown sold several pieces of Common in Saint Brelade to their *tenants*. One of these was a piece of land called "Le *Marais du Val*" measuring two *vergées* two *perches* ten *pieds*, this bordered the land of François Philippe le Cornu and Albert le Gallais of La Moye House on its south, west and north. Two houses to the north of La Moye House, in "Le *Marais du Val*", belonged in 1849 to the Quéripel family and are shown on Godfray's map. The eastern one and its adjacent lands were sold by Emilie Quéripel on the 26th March, 1853, to Philippe de la Haye; it bordered on its south "La Commune" or "*Marais du Val*". The western one with its adjacent lands was sold on the 5th January, 1856, by Emilie to Philippe le Gallais of La Moye House, no south jointure being given⁶³. The houses are set back from the stream on its north side. Was this Common the remains of a perquage?

There is only one supposed mill on this stream. Le Moulin du Grand Saut is shown on maps dating from 1679 to 1783. There is no documentary evidence for this mill and the proposed site indicated on the maps would necessitate the mill being either under-shot or horizontally wheeled. There were only two other possible under-shot mills in the Island at the time: Le Moulin de Friquet and Le Moulin de l'Hermitte.

6) Les Vaux

⁶¹ V des C 1/4

⁶² "Le Coleron" RP388/245 3rd January 1923; RP72/120 26th June, 1789; RP25/163 25th November, 1693; RP22/125 3rd May, 1679; RP17/41 13th April, 1661; on the 13th April, 1644 RP, 12/231, Jean Syvret sold to Abraham Machon a house in Saint Brelade on the *Fief du Roi* at la Moye, it was said to join to the south of the "temple et cymetiere". Jean Syvret had acquired the property, as a ruin, from Thomas Sceelle, *fils* Pierre on the 20th November, 1630, RP8/376, again it was said to join against the cemetery.

⁶³ Queripel sales RP207/192 & 213/170; sale of Common RP343/164

This perquage has been described by Julia M. Marett in an article published in the Société Jersiaise Bulletin⁶⁴. Unfortunately, despite the evidence to the contrary, Miss Marett fell into the same trap as Doctor Le Maistre. Under the assumption that perquages "start" at churches, Miss Marett started her perambulation from Saint Peter's church. As Miss Marett correctly states, the perquage followed the stream that rises near the church. The first section of perquage was sold by de Carteret to another Edward de Carteret on the 20th October, 1663, together with a small plot of waste land⁶⁵. The waste land was to the north of Edward de Carteret's property between the road and the perquage. De Carteret was to leave a road of sufficient width to allow access to both a spring (*fontaine*) and the house of Thomas Hérault which was between the perquage and the land of Philippe Maugier *ca.ux*. The rest of the perquage he could join to the waste land as far as a boundary stone sited below the *fontaine*. He also purchased the perquage from the boundary stone along his lands (which lay to its east) and those of Thomas Hérault, Philippe de Carteret and Jean Balleine, until reaching further stones at the south end of the section of perquage.

In 1637, on the 15th June, the *Visite Royale* considered "La Fontaine Bénite" and, below it, "La Fontaine de Bas", both of which were said to be sited on the perquage. They were both in poor condition and needed to be rebuilt for the benefit of the neighbourhood, the Public and the Temple. It was decided that both should be repaired and that a *lavoir* be built at "La Fontaine de Bas", the cost of the works was to be met by the *principaux* of the parish⁶⁶.

"La Fontaine Bénite", which was thus clearly on the perquage, is not in the churchyard. It was again considered on the 25th August, 1835, this time by the parish authorities at a Parish Assembly⁶⁷. The Assembly was especially convened, following the very dry summers of 1834 and 1835, to consider digging a well and establishing a public pump near the church. The scarcity of water had caused hardship for the inhabitants of that part of the parish. It was decided that a cast iron pump should be erected on the site of "La Fontaine Bénite". This pump, though refurbished, still stands and bears the date "1835". It is in the south-east corner of the junction between La Rue St Clément and La Rue des Fosses. The perquage (going up stream) follows the stream which turns east to "la Fontaine Bénite", one hundred yards south of the church. The perquage did not go to the church!

Edward de Carteret's house, La Retraite, lies to the west of La Rue des Fosses opposite "La Fontaine Bénite". The Hérault property, now known as Greenbanks, lies immediately west of La Retraite. The stream and the perquage passed between the two.

The next section of perquage, which was purchased by Elie Pipon, was adjacent to one of the Commons of the *Fief du Roi* in Saint Peter.

The sale by Sir Edward de Carteret to Elie Grandin on the 2nd November, 1675, was of the perquage leading to the south from Le Saut Falluet along la Billoterie. Here, de Carteret gave a legal guarantee that the perquage was not subject to any third party's right of way. No such guarantee was given in the sale to Helier Maugier on the 9th August, 1664, when it was agreed that if Maugier did not have peaceful possession of the perquage then he would be free of the *rente* created upon it in the sale.

On the 19th December, 1663, two sections of perquage were sold to Abraham Jamet and Jean Wealch. In these contracts rights of way were created for Jamet. The Wealch sale included waste land immediately adjacent to the perquage.

⁶⁴ Marett, Julia M., The "Percege" from St Peter's Church to the Sea. *Bull. Ann. Soc. Jersiaise* 1947

⁶⁵ RP17/294

⁶⁶ V des C 2/14

⁶⁷ Parish Records 25th Aug 1835, the author would wish to acknowledge thanks to the Parish Secretary.

Susanne Dumaesq, *Dame* of the Fief de la Haule and owner of Le Moulin d'Égoutpluie and its *écluses*, purchased all the perquage co-extensive with her property on the 18th June, 1670. It is not apparent from the sale whether the perquage ran alongside the mill or the mill pond. The mill itself formed part of the Fief de Noirmont exchanged for the island of Alderney by Henry II or his predecessors with the Abbey of Mont Saint Michel. The stream, at its east end forms the boundary between the *Fief du Roi* on its north and the Fief de Noirmont on its south⁶⁸.

On the 18th May, 1670, de Carteret gifted a strip of perquage to the Parish of Saint Brelade. This was a road thirteen *pieds* in width along the north side of the perquage and of sufficient height to allow carts to pass under any subsequent building that de Carteret may erect. The strip was from the end of the meadow below the mill pond and reached as far as the sea. De Carteret undertook not to prevent the Public from drawing water from the spring near the mill, as they had of old, and to allow access to the mill and other property from the part of the perquage that he retained.

De Carteret then sold the remaining strip of eleven *pieds* width to neighbouring owners.

Jacques le Montais, who had acquired one such strip of eleven *pieds* from de Carteret on the 3rd October, 1674, resigned it back to de Carteret on the 15th August, 1678. De Carteret then gave the same strip plus an additional length to the west to the parish of Saint Brelade. The Parish was to establish *lavoirs* for the benefit of the Public.

Charles Hamelin bought two pieces of perquage and several pieces of waste land at Saint Aubin.

In addition to the sales, the route of the perquage is clearly shown by the *Visites Royales*, not only the regular *Visites* but also the specific visit to the perquage in 1645, when the Court was accompanied by Royal Commissioners. On this latter occasion the *Connétable* of Saint Peter reported that the perquage started near the cemetery ("que le perage commence aupres du cimetiere" *vide supra*)⁶⁹ and followed the stream to the Pont Brelade Alexandre without any encroachment "au chemin". The *Connétable* of Saint Brelade reported that the perquage started at the Pont dudit Alexandre and followed the stream except where it had been exchanged in 1620 by Thomas Rosze to the west of his *jardin*. From there it again followed the stream without any encroachment except where the late David Bandinel had exchanged the perquage above the *écluse* of Le Moulin d'Égoutpluie. Below the *écluse* the perquage again followed the stream except where it had been exchanged by Jean Dumaesq *ca. ux.* to the west of his meadow.

The exchange of perquage by Helier Dumaesq is well documented by a *Resort de Veüe* recorded in the Cour de Cattel on the 29th October, 1588⁷⁰. Following the inquest it was ordered that the exchange made to the south of the valley should remain as it was for the public good being a more passable route for the "chemin et percaige". The exchange was agreed by the Procureur du Roi and was effected at the same time as an exchange of the route of a separate public road.

The perquage then retook its course along the *faux bié* to Saint Aubin without any Public road ("sans aucun chemin publicq"). The *faux bié* was literally that, a false mill or canalised stream or a "real" stream⁷¹.

The other *Visites* in Saint Brelade record many persistent encroachments on the perquage. In 1613 Nicolas Blampied, André Boursette and Nicolas Careye, *ca. ux.* were fined for having cut turf on the perquage. Careye, in right of his wife, la Dame de la Haule and owner of Le Moulin d'Égoutpluie, was also in trouble because the perquage was found to be of insufficient width alongside a meadow and missing altogether alongside the mill pond.

⁶⁸ de Gruchy, G. F. B. 1957 *Medieval Land Tenures in Jersey* p98

⁶⁹ V des C 2/32

⁷⁰ C13/97

⁷¹ V des C 2/30

In 1616 Pierre Rose was fined for having made a retting pit in the perquage stream as were Augustin du Boys, Bastien Alexandre and Jacques du Pont⁷².

On the 20th June, 1620 the *Visite* recorded the exchange made by Thomas Rose of a section of perquage to the south of the *jardin* belonging to Pierre Rose *ca. ux.* Confusingly, the description of the exchanged land joins it to the perquage previously exchanged by Bandinel, whereas the 1645 visit implies that there was a section of original perquage between the two. The exchange was made in the presence of the Avocat-Général who gave his consent⁷³.

In 1642 on the 13th July, Jean Sceelle, who had started building a wall near the perquage, requested the *Visite* confirm that he was leaving sufficient width for the perquage and that his works be allowed to continue. The *Voyeurs* and the *Jurés* were consulted and the perquage was measured. Here it was referred to as the "chemin du perage" and was found to be in excess of twenty-four feet in width, plus *reliefs*, Sceelle was therefore permitted to continue. The road to the mill was acknowledged as being within the perquage⁷⁴.

The complaints against the owners of Le Moulin d'Égoutpluie continued. Notwithstanding the exchange mentioned in 1645, in 1650 Elie Maret *ca. ux.* was fined because the perquage was in a poor state of repair. In 1657 Susanne Dumaesq was fined for having built the wall of the *écluse* on the perquage⁷⁵.

On the 30th May, 1666, the Royal Court visited the perquage in Saint Brelade to define its limits at the request of Edward de Carteret who by then had the support of the *Lettres Royales* of 1st April, 1664, and further to an Act of the 5th September, 1663. Fourteen pairs of opposing boundary stones were placed along the perquage. The first pair separated it from the lands of Jean Seale and Thomas de Bourcy and the last were placed downstream, again between lands of Jean Seale, to the north-east of a spring. The only problem arose when the Court reached the section of perquage that had been exchanged by Susanne Dumaesq's predecessors, owners of the meadow above the *écluse* of Le Moulin d'Égoutpluie. Here, de Carteret refused to acknowledge the exchange even though it had been recognised on several occasions by the Royal Court and, as above noted, on the *Visite* in the presence of the Royal Commissioners. De Carteret's argument was that the Commissioners had not been specifically authorised and that therefore their approval was open to challenge, the Court found in Susanne Dumaesq's favour⁷⁶.

7) Saint Peter's Valley

The most northerly section of this perquage, starting from Saint John's Church and heading south, was sold by Edward de Carteret to Benjamin Lemprière on the 5th December, 1663. However, in 1645 at the time of the *Visite* with the Commissioners, it was recorded that in times past the perquage had run along Thomas Lemprière's meadow until it reached the south-west corner of the churchyard but that it had been exchanged so that it lead instead to the south-east corner. The stream in Saint Peter's Valley which the perquage follows rises near the the south-west corner of the churchyard⁷⁷.

⁷² V des C 1/5 & 20

⁷³ V des C1/37

⁷⁴ V des C 2/26

⁷⁵ V des C 2/49 & 106

⁷⁶ Ex56/190

⁷⁷ RP17/293 & V des C 2/31

The 1645 *Visite*, which followed the perquage upstream, records the next downstream section as still following the stream. It was sold to William de Carteret and others except for two lengths of one *perche* at each end bordering the public roads, these were retained by Edward de Carteret. The retained section to the north was to remain open. It abutted on to La Rue de la Gombrette and the south section on to Le Neuf Chemin. The remaining section in Saint John was bought by Josué de Carteret of Le Manoir de Saint Jean La Hougue Boëte, this section was also partially in Saint Lawrence and in Saint Mary. The 1645 *Visite* records another exchange at Le Clos du Pont. All of these sections of perquage were said to be on the Fief of Saint Jean La Hougue Boëte⁷⁸.

In Saint Mary, the *Visite* of 1645 records that the perquage followed the stream except where it had been exchanged in both Elizabeth Hue's and Edouard Regnault's meadows and the *viviers* of Jean Le Feuvre. From La Chèvre Rue north as far as the house of Hugh Hue the perquage followed its old course, the stream, but there was no "chemin public" although Elizabeth Hue was obliged to suffer right of way to Hugh Hue. The perquage followed the *faux bié* past the *écluse* of Le Moulin de Gigoulande, the Crown Seigneurial mill for the *Fief du Roi* in the parish of Saint Mary. Part of the perquage sold to Aaron Journeaux had previously been exchanged from the other side of his meadow.⁷⁹

Philippe Laell bought two sections of perquage from Edward de Carteret in 1664 and his son Philippe bought a further section from Anne Brevin in 1710, by which time he had also acquired the section previously sold to Elie Le Feuvre. The first sale bound Laell to suffer as tenants for the rest of the year those to whom de Carteret had already leased the section north of the *écluse* of La Hague mill. Also included was the waste land on either side of the northern most section of perquage. Laell owned the malt mill which lies immediately down-stream of Le Moulin de Gigoulande. A *Grand Vue de Justice* was reported at the Cour d'Héritage on the 24th September, 1691. It confirmed the earlier result of a *Vue de Justice* at which the land on either side of the perquage extending to the neighbouring lands was judged to be common. The sale of perquage to Laell effectively carved out a strip of land, 24 *pieds* wide, and left disputes as to the ownership of what was left on each side⁸⁰.

The 1645 *Visite* in Saint Peter recorded the perquage passing between Le Moulin de Tostin (also known as Le Moulin de la Hague) and its *écluse* along the *faux bié*. Upstream from the *écluse* it followed the stream between the *jardins* of Laell and Jean Huelin where there was said to be "chemin et perçage". It was not mentioned alongside the *écluse*⁸¹.

In 1699 (25th May) Philippe Laell was actioned by Anne Brevin to pay the *rente* he owed for the perquage he had purchased in 1664 at 2 *sous* 6 *denier* per *perche*. Anne had right to the arrears by virtue of the transfer from Madelaine Durell, Sir Edward de Carteret's widow, effected the same day. The perquage was to be measured first⁸².

At the Cour d'Héritage sitting of the 23rd May, 1700, (although the Court was sitting on the 3rd September the Act bears the date of the opening day) Laell was again actioned by Anne Brevin to pay the outstanding *rente*. To measure the land in question *Veüe termé* was fixed for the first Wednesday in the following November. Henry de Carteret, Seigneur of La Hague and owner of Le Moulin de la Hague with its dependant *écluse*, was to be convened as the perquage bordered on to the *écluse*, the extent of which thus had to be defined. The *Veüe* was delayed on both the 6th and 23rd November, the

⁷⁸ RP17/295 & V des C 2/31

⁷⁹ V des C 2/31

⁸⁰ RP18/15 & 29/67 & H18/64

⁸¹ V des C 2/31

⁸² C30/255

7th December and again on the 4th January, 1700 (1701) when it was postponed to the first Wednesday in February. No record of the *Veüe* is to be found⁸³.

On the 24th September, 1702, Henry de Carteret was present at the opening of the *Assise d'Héritage* where he was bound to appear both as one of the Jurats and as *Franc Tenant*. At the end of the first session of business the Court was reconvened for the affairs of Jean Durell who had been sitting as Lieutenant-Bailiff. Anne Brevin's Attorney, who was the Lieutenant-Bailiff's son, Jean, brought an action of *Loyal Devis*, (to define a boundary) against Henry de Carteret but the latter was found *en défaut* as he had already left the Court. At the next Assise, on the 21st January, 1702 (1703), de Carteret was again *en défaut* but was excused as he was ill, the action of *Loyal Devis* was deferred at the next Assise on the 29th April, 1703. Henry de Carteret suffered poor health and was excused attendance at the Court at each Assise for the rest of his life. He died in 1712⁸⁴.

Meanwhile, in 1710 Laell purchased a further strip of perquage from Anne Brevin and in 1713 he purchased from Charlotte and Sara Hussey all the *rente* he owed them for the perquages.

Remarkably, a collection of unbound notes of unknown authorship has survived relating to the action between Anne Brevin and Henry de Carteret. The three sheets of paper are headed (in free translation) "Reasons why Henry de Carteret Gent. claims not to be obliged to answer the action of Loyal Devis brought against him before the Cour d'Héritage by Anne Brevin" and "Reasons that Henry de Carteret gent. humbly offers to the Court for which [damaged] holds not to be obliged to fix a date for (termer) Loyal Devis between Anne Brevin [damaged] on the action against him at the Cour d'Héritage to this effect"⁸⁵.

These notes give an interesting insight into the thoughts of one of the protagonists in what could have been a most informative legal action and are worthy of a detailed examination.

Several legal arguments surrounded Anne Brevin's powers of attorney. On the 5th, 6th and 12th October, 1702, Martin de Gruchy had presented in Court an English power of attorney sent to him by a London merchant for registration in the Public Registry in Jersey. Although it had been witnessed by three well known Jersey merchants the Avocat de la Reine, Anne Brevin's existing attorney, opposed its registration on the grounds that the power was worthless as it did not state where it had been signed and sealed, no defence was given. De Gruchy, being a man of honour, could not act under an authority that he had openly acknowledged was defective before ten or eleven members of the Court. Jean Durell, Avocat de la Reine (1701-1726) was the attorney of Anne Brevin under a power signed in "L'Incoln" on the 29th January, 1701(1702), and registered locally on the 18th April, 1702.

The unknown scribe of the notes suggested that even if the power of attorney was effective the action was brought against Henry de Carteret who only claimed ownership, thus, as Anne Brevin did not recognise Henry de Carteret as owner she could not action him in Loyal Devis as by her own argument he was not an owner able to answer!

The other reasons put forward on behalf of Henry de Carteret are:-

i) That the *Patente* granted to Edward de Carteret by the King could not be prejudicial to the Public and was without prejudice to the rights of others. That the perquages were public roads which had been regularly inspected by the *Visites*, the grant was thus legally void as all other roads were inalienable. That there were no waste lands in Jersey but that if there were any then they would have belonged to the *seigneur* of the Fief on which they were situate, again the grant was null as Charles II could not have granted what was not his to grant.

⁸³ C31/15; Ex76/51, 54, 57 & 68

⁸⁴ H20/69, 123, 137 & 234 see also H21 & 22

⁸⁵ MS Box Perquages, Société Jersiaise Library

ii) That if the perquages were sanctuary paths then they had been given to Henry VIII and Edward VI under the general terms of Acts of Parliament of 37 Hen 8 and 1 Edw 6. These acts, dated to 1545 and 1547 respectively, both concern the Dissolution of Chantries and Colleges and their seisin in the hands of the King. The scribe's argument was that if this were so then they would not have been subject to the *Visite* but would have been held by the Crown as they had been by the religious houses and would have been inalienable without the further consent of Parliament, again showing the grant to be null. It is difficult to understand how these Acts, any more than the earlier Confiscation of Alien Priors by Henry V, would have given possession of 'Sanctuary Paths' to the Crown, a view clearly shared by the anonymous author. Property that fell to the Crown as a result of these Acts or otherwise continued to be administered as it had previously been, it was not "absorbed" into the *Fief du Roi*.

iii) That if the Court expressed astonishment at Henry de Carteret contesting the validity of a *Patente* there were many precedents:-

a) An ordonnance (quoted by Terrien, Livre XVI Chapter I) from Charles VII of France to the Juges of Normandy. Several persons had obtained letters from the French King which were either uncivil or had been obtained by giving false or untrue information. The Juges were ordered not to accept such Royal letters but to punish the perpetrators as they thought fit⁸⁶.

b) Reference is made to an Act of 2 Edw 3 concerning letters issued under the Great or Little Seales. The Act states:-

Item it is accorded and established, that it shall not be commanded by the great seal nor the little seal to disturb or delay common right; and though such commandments do come the justices shall not therefore leave to do right in any point.

c) Further reference is made to an instruction not to accept Royal Letters when they are against the Law and to an Act of 20 Edw 3 where a similar order is repeated in stronger terms. The Act states:-

we have commanded all our justices, that they shall from henceforth do equal law and execution of right to all our subjects, rich and poor, without having regard to any person, and without omitting to do right for any letters or commandment which may come to them from us, or from any other, or by any other cause; and if that any letters, writs or commandments come to the justices, or to other deputed to do law and right according to the usage of the realm, in disturbance of the law, or of the execution of the same, or of right to the parties, the justices and other aforesaid shall proceed and hold their courts and processes where the pleas and matters depending before them, as if no such letters, writs or commandments were come to them; and they shall certify to us and our council of such commandments which be contrary to the law, as afore is said.

d) A work by an un-named Counsellor of the Temple "The Governement and Lawes of England" is quoted: "The King by the advise of his Privy Council doth publish Proclamations binding the subject provided they be not against the Statute or Common Law".

iv) That even if the Perquages had good title that Henry de Carteret had been possessed of the land in question (the *écluse* of his mill) for more than forty years, indeed for more than 100 years and that such possession was unquestionable and gave sufficient title under both the Customary Laws of

⁸⁶ Terrien, *Commentaires du Droit Civil, tant Public que Privé...* 1574-1578, and later editions

Normandy and "La Charte aux Normands". This latter originates from two Royal ordinances, one of the 19th May, 1314, of Philippe le Bel concerning the prelates and barons and the other of 22 July, 1315, of Louis X le Hutin concerning the bourgeoisie. These were confirmed by two orders of Charles VII, of the 7th October, 1450, and the 2nd June, 1458, upon his reconquest of Normandy. Although the Charte thus dates from after the separation of Jersey from Continental Normandy in 1204 it is a statement, not a creation, of rights. Article 20 of the Charte confirms that forty years peaceful possession gives title.

v) That Anne Brevin used her surname "Brevint" which was against the usage of Normandy and Jersey where in judicial matters wives did not use the late husband's name after his death. Apparently Madame de Saint Ouen never did so during her widowhood. Anne Brevin's attorney is accused of adopting English customs.

vi) That, at the beginning of the reigns of the late King William and Queen Mary, Sir Edward de Carteret summoned the Court *ex tempore* to the house of Lieutenant-Bailiff Le Geyt to give de Carteret possession of the waste lands in town where houses had been built towards the sea. This was opposed by Dumaresq, advocate for the inhabitants, and was judged to be too arbitrary. Sir Edward was dismissed and was to proceed in the usual form. This is cited as evidence that the authorities of de Carteret could be overturned.

vii) That it is not unknown to break *Patentes* or other Royal authorities if they are against the law. An English lawyers' proverb is quoted "le Roy ne peut faire de tort car sil fait quelque chose qui soit de cette nature ce sont des suggestions malfondées son intention est que ce soit sauf autrui droit & que les Juges ny ayant esgard qu'aussy loin qu'il s'accorde avec les loix". Several famous examples are then given:-

a) The Statute 3 Car 1 (1627) is known as the Petition of Right. Commissioners had been assembling people and requiring them to lend money to the Crown and imprisoning them or summoning them to the Privy Council on their refusal. Others had been authorised to act under "Martiall law" within the land and had been judging and executing offenders who would not have been executed under the laws and statutes of the realm!

b) Powers given by Royal authority for "shipp money" were over turned and the procedures cancelled by Act of Parliament 17 Car 1.

c) Donations given to several persons by *Patente* under the Great Seale of forfeitures in Ireland were revoked by one act of Parliament.

Unfortunately, the action brought by Anne Brevin was never decided. Either because Henry de Carteret never regained his health sufficiently for the matter to proceed or because the action was withdrawn in the light of the arguments put forward on his behalf or even as a result of agreement between Lael and Anne Brevin's heirs in 1710 or 1713. The evidence is clearly such that other parties supported the view held by Poingdestre that perquages were not sanctuary paths. The theory did not stand up to examination then; it does not now.

Downstream of Laell, Raulin Robin purchased a section of perquage which bordered on to the Common of the Fief des Nobretés. The next section as far as the road by Jean Le Grand's house (Oak Farm and Le Mont de l'École) was purchased by Elie Pipon.

In September, de Carteret reached agreement with both the parish of Saint Peter and the owners of Le Moulin de Gargatte such that the perquage between the *échuse* and the mill should be left open for the benefit of the mill and the Public of the Parish. Doctor Philippe de Carteret, son of François de Carteret of La Hague acquired the section of perquage between Le Moulin de Gargatte and Le Moulin

de L'Houmel along the Mesnage de Gilles belonging to his father. Le Moulin de Gargatte was the Crown Seigneurial mill for the *Fief du Roi* in the parish of Saint Peter. Le Moulin de L'Houmel was a small malt mill on which a *rente* of four cabots of wheat was due to the Crown.

The next section was possibly not sold. A further section was sold in 1701, in two halves, to the Hamptonne family after a *Veüe de Justice* decided its limits, it reached as far as the *écluse* of Le Moulin de Quetteville. Le Moulin de Quetteville was the Crown Seigneurial mill for the *Fief du Roi* in the parish of Saint Brelade. Below the *écluse* a section was sold to Jean Sealle in the same contract as his acquisitions in Saint Brelade. Six *perches* were retained at the north end of the section sold to Josué de Carteret which were to be left open. This was the furthest down stream sale in the valley and reached as far as the *planque* at Le Moulin de Quetteville.

Between Le Moulin de Quetteville and the sea the perquage can be considered in three sections. The section between that mill and Le Moulin de Tesson, from Le Moulin de Tesson to the *marais* and across the *marais* to the sea.

Between Le Moulin de Quetteville and Le Moulin de Tesson there are several meadows, many of which are known as "Les Prés de Tesson". They used to belong to the Crown which probably derived title from the de Cheney family. Geoffrey de Cheney was killed at the Battle of Barnet in 1471, his eventual heir ceded the estates to Lord Broke in 1499 but the latter never gained possession of them. The Crown had confiscated the estates after the Battle of Barnet and then, presumably, retained them. The 1274 Extente records that "Le Moulin de Tesson et le pré" were then held by the heirs of Guillaume de Chenny of the escheat Guillaume Pynel, who had taken the side of the Normans after the loss of continental Normandy in 1204.

In the Extente of 1528 the mill was held by Pyers Lomell for 14 *escus*, it appeared in the accounts of Saint Germain. Mrs Joan Stevens, in an article on Handois Manor, published a photostat of an interesting document from the British Museum. This is dated to 1583 and is an account of the yearly revenues of the Mannor of Saint Jermayn (sic). Though difficult to read, this document clearly refers to the same holding as that of Sir John Peyton in 1607 and recorded in the Extente. The 1583 document records the manor as being of ccviii acres xxi perques and xviii feet Jersey measure, each acre less than an English acre by more than a third part. In fact, 2¼ Jersey *vergées* are equivalent to 1 English acre. The 1607 Extente estimates the lands dependent from Saint Germain as about 210 *vergées*. The 1583 document mentions that the Manor includes a mill of small value. The mill in question was that of Tesson, but unfortunately a misunderstanding of the 1583 account has lead to the erroneous creation of a mystery mill at Handois⁸⁷.

In 1607, the Extente shows that the Fief of Saint Germain was held by the Crown, along with various sub fiefs including that of Chesnel (Chesnel = Cheney + Pinel!) and the mill of Tesson which was valued at 58 *escus* per annum. The whole *seigneurie* was held by Sir John Peyton, the Governor.

On the 25th April, 1650, Sir George de Carteret produced to the Royal Court *Lettres Patentes* which were duly acknowledged in the Cour d'Héritage⁸⁸. These recorded the sale by the Crown to Sir George of the Fief of Chesnel together with Le Moulin de Tesson and its dependant *prés* and *côtils*. These were promptly taken over again after the Civil War when there was a *bornement* between *Son Altesse* (the local legal name for The Protector) and the owners of the adjacent meadows⁸⁹. Sir George regained possession after the Restoration. Two pieces of meadow between the mills of Tesson and Quetteville were not included in the Prés de Tesson, though both abutted the perquage. Although there is no specific mention of the perquage in the sale to Sir George de Carteret the absence of sales by Sir Edward de Carteret and his heirs would imply that Sir George had also acquired the perquage between

⁸⁷ Stevens, Joan, The Seigneurie and Manor House of Handois. *Ann. Bull. Soc. Jersiaise* 1962 p179 et seq.

⁸⁸ H11/235

⁸⁹ H13/213

the two mills. Despite his heavy handedness with others it would perhaps have been unlikely that Sir Edward would have crossed words with his cousin, Sir George, over ownership of this part of the perquage! Unfortunately, the *Visites* after 1650 did not pass comment on this section of perquage. The later sale by Lord George Carteret, Sir George's grandson, of Le Moulin de Tesson to Philippe de Carteret in 1695 did however, include "perceage" with the dependant lands⁹⁰.

The section of perquage from Le Moulin de Tesson to le *marais* was described by the 1645 *Visite*. The records show that there was "chemin et perceage" between Denis Perrier's meadow and Pierre Gales' *côtil*, with the perquage being along Perrier's meadow, but that there was no "chemin" only perquage between the lands of Thomas Salmon and Thomas le Gros. The perquage passed near Le Moulin de la Cave, an old malt mill (near what is now Ming's Restaurant). There were no sales by Edward de Carteret or his heirs of this section and it probably would not have been included in the sale of Le Moulin de Tesson to Sir George de Carteret.

Le Moulin de la Cave was leased by Jean Le François to Jean Fanouillière and Judith his wife for a period of fifteen years in 1602 (6th Oct), the rental was to pay for the education of Le François's son in Jersey and for one year each in Guernsey and England to learn a trade. There was also a Crown *rente* of two capons due on the mill. Jean Le François, probably the son, was declared *en décret* and the mill was sold by the *tenants* in 1621 (11th Jan, 1622) to Mathieu Hubert *et uxor*. The lease, however, had included a meadow called Le Pré de Gibaut which was not included in the later sale but was owned by Philippe Perrier one of the *tenants*. Perrier's son, Denis, sold Le Pré de Gibaut to Jean Bailhache in 1661 (2nd May), it was described as lying between the two *biés* and abutting on to another *pré* belonging to Perrier. The two *biés* in question were the leats of Le Moulin de Tesson (the tailrace) and Le Moulin de la Cave, the latter was fed by the side stream that comes from near the German Underground Hospital. From Bailhache the meadow passed to Jean Denize who sold it on the 17th April, 1756 to Philippe Lemprière when it was still described as lying between the two *biés* and abutting on to the *pré* of Thomas Bertault, in right of his mother, who was the daughter of Denis Perrier. Lemprière then purchased two small strips of land, one from Elie Romeril and one from Thomas Bertault, which both lay between the *bié* from Le Moulin de Tesson and the public road. In summary, the Perrier meadow was split by the sale of the eastern part when Perrier retained the part to the west of the *bié*, the perquage ran along the west side of the meadow and became the public road, the small strip still held by Perrier's heirs lying between the *bié* and the road was then sold to Lemprière⁹¹.

At the 1645 *Visite* the *Connétables* of Saint Peter and Saint Lawrence with their witnesses advised that there were boundary stones on both the dunes and the marsh which delimited the parishes, however, they did not give a clear definition of the perquage through the *marais*.

A *Remontrance* addressed to the Lieutenant-Bailiff and *Jurés* by the *Connétables* of Saint Peter and Saint Lawrence on behalf of the *Interessés* of the *marais* was presented before the Cour du Samedi on the 17th August, 1667⁹². It shows that de Carteret soon took matters into his own hands. According to the *Interessés*, de Carteret had started to dig a trench or canal along a *perche* wide strip of land that he claimed in virtue of his grant, and had thrown the spoil to the sides so that he actually occupied more than a *perche*. In the course of the excavations, which passed by the foot of the Parish boundary stone this latter had inevitably fallen over, this was expressly against God's Law and Mans' Law. De Carteret had even extended his excavations between Thomas Le Gros's meadow and Thomas Mollet's *ca. ux.* orchard across the public road which was thus impassable; a road used not only to reach the Common but also by Crown *tenants* in Saint Brelade to reach Le Moulin de Tesson. The canal was of an extraordinarily great depth and de Carteret claimed to be able to establish a pond as

⁹⁰ Pat1/44 19 Jan 1694 (1695) reg'd 17 June 1695

⁹¹ RP1/6; 5/441; 17/58; 25/106; 45/202; 46/79 & 47/111

⁹² Ex57/67

well, all of which constituted a danger to the *Interessés'* livestock "un precipice pour noyer et perdre le betail". The marsh was being drained and was consequently less fertile to the prejudice of the *Interessés* who paid *rentes* for the use of the water and had paid high property prices for the benefits of the marais. The *Interessés* had seen the *Lettres Patentes* as they refer to the grant as having been made "sauf autrui droit". They ask for redress for which they would pray to God for the prosperity of the addressees!⁹³ The *Remonstrance* requested the Court find a remedy to their problems; de Carteret was summoned to be heard on the matter.

On the 3rd September, 1667⁹⁴ *Veüe termée* was ordered for the following Friday the 13th. Unfortunately, though not unusually, the result of the *veüe* is not recorded.

An agreement was eventually reached with the *tenants* of the *Fief du Roi* in Saint Lawrence⁹⁵. De Carteret gave up all claims he may have had to the *fonds* (ownership) of the *marais* in 1674 in exchange for three *vergées* of land, adjacent to de Carteret's meadows, and the canal which then separated the parishes of Saint Lawrence and Saint Peter. The water from Le Moulin de la Cave was to be allowed to flow into the marsh in times of drought. In times of flood de Carteret was to allow the flood waters across the corner of his three *vergées*. All previous agreements reached between de Carteret and some of the *tenants* were cancelled. It was also agreed that the road that lead from Le Moulin de la Cave was to be left open; perhaps this explains the disappearance of the middle section of perquage.

The meadow (le Clos à Geon) that de Carteret owned in 1674 was the remainder of the inheritance he had acquired from Pierre Denize (younger son of Jean Denize and Jeanne Alexandre) in 1671, having sold most of the inheritance back to Pierre's eldest brother, Jean, in 1672. De Carteret had subsequently built a house on this land. In January 1685 (1686), Sir Edward de Carteret gave all his canals and ponds together with his meadow and house to Jean Durell, his father-in-law, though he retained the usufruct of the house during his life. The sale included the streams and the "voute" that he had built near the sea to the west of the stream that flowed south-west around the Saint Peter marsh⁹⁶. This is still known as Sir Edward's stream.

The earliest recorded use of the word "perquage" is from an Act of the Cour de Cattel of 1526⁹⁷. The court sitting was on the 18th October and it is worth recording this, the earliest reference, in full:

Le procureur du Roy et le denonciateur doibvent proubver vers eddouard blampy que dempuys le deffens de Justice Il hau faulchy sus la comune du Roy et en outre le perquage

Although the act does not locate the perquage in question it is probably at or near the *marais* in Saint Lawrence. Similar fines were imposed in 1527 for reaping in the *marais* against an earlier order

⁹³ Société Jersiaise Library - Perquage File

⁹⁴ Ex57/74

⁹⁵ RP21/12, 30 September 1674

⁹⁶ 4 Nov 1671 RP20/45; 31 Aug 1671 RP20/207; 29 Jan 1685 (1686)RP26/88. Harry and Philippe Burrard, the heirs of Jean Thomas Durell, *fils* Jean, sold the land (La Clôture et Le Pray) with the then ruinous house in 1803, 2nd April RP95/128. This is the only house known to have been owned and built by Sir Edward de Carteret and was presumably his local residence, a suggestion supported by the retention of the usufruct in 1685 (1686). The site is discernible on the Duke of Richmond map of 1795 to the south of the *marais*, it is the largest field lying to the west of an 'island' to the south of the *marais*, the three *vergées* being the northern excrescence of this western field.

⁹⁷ C2/67 Wednesday next following the feast of Saint Dionisius

from the Cour de Cattel of 13th June 1525 which prohibited reaping or the cutting of turfs before Saint John's day (24th June)⁹⁸.

7a) Saint Peter's Valley - Saint Mary's branch

There is a suggestion that there once existed a branch of the Saint Peter's Valley perquage that followed the side stream from near Le Moulin de Gigoulande north-west towards Saint Mary's church. The principal source for this is the *Visite* in 1603, unfortunately, the records of the *Visites* themselves only start in 1617. This *Visite* is, however, recorded in the *livres* of the Cour du Samedi from a sitting on the 25th September, 1603. The Court had followed a supposed perquage from the cemetery at Saint Mary past the house of Thomas Guille to that of Jean Lael. Guille's house was La Fontaine to the west of the church, the Lael house was that of Philippe Laell above.

Various adjacent land holders had complained that the Court had only followed a track that some had heard tell was a perquage and had then proceeded to fine the owners for alleged encroachments on land they had held for upwards of forty years. On closer examination the *voyeurs* admitted that they had heard tell of the perquage from the elders of the parish who likewise had heard tell from the elders before them but they had not actually seen the perquage in over forty years! The Court dismissed the fines and confirmed ownership⁹⁹.

One of the meadows adjacent to the stream is Le Pré de Betton, this was sold on the 9th April, 1603, by Laurens Vibert to Michel Le Brocq. The meadow was described as including the issues between its western bank and the stream outside of the enclosed meadow. On the 14th April, 1604, Jean Lael purchased from Gregoire Saulvage a strip of land and meadow below Saulvage's *côtil* on the other side of the road and lying between the road and the stream, it bordered on its south the lands of Michel Le Brocq¹⁰⁰. These sales presumably record the "perquage" or track.

The Commissioners' Report of 1515 adds further evidence for the existence of a road or perquage along this stream leading from Saint Mary's Church to Le Moulin de Gigoulande. Le Moulin de Gigoulande and 120 *vergées* of land known as La Tenue, had been leased to Guillaume Trachy in c. 1500. La Tenue is the property lying on the high land to the north-east of the Saint Mary branch valley and above Le Moulin de Gigoulande. The Commissioners also found that Trachy had blocked two roads near Saint Mary's Church leading to the sea and the mill¹⁰¹.

It is not clear whether Trachy had blocked a public road or a perquage, one may expect there to have been a greater commotion from the populace if he had blocked a road. The *fonds* of parish roads at the time generally belonged to the adjacent owner with the public having no more than a right of way over the land, however, if the *fonds* of the road went with La Tenue then it would have been the Crown's to grant, though still subject to the right of way. Similarly, if it was perquage then it could have been granted by the Crown together with the rest of the land. Can one rest on the *voyeurs* having heard tell of a perquage? Pass! Curiously, the house above the confluence of the two streams on the heights to the east is still known as Les Perquages.

8) Les Grands Vaux / La Vallée des Vaux

The sales by Edward de Carteret and the seventeenth-century *Visites* of the perquage in Saint Helier are concerned only with the perquage which starts at Tunnel Street, near Lucas House, and leads along

⁹⁸ C2/48 Tuesday next following the feast of Saint Barnaby & C2/176

⁹⁹ RP1/201 & Ex23/409

¹⁰⁰ RP1/53 & 133

¹⁰¹ *Rapport des Commissaires Envoyés à Jersey l'an 7 du Regne de Henri VIII*, Société Jersiaise Publication No.3 1878

Hilgrove Street to the sea. However, there are traces of land that could be identified as perquage further up stream along both the Grands Vaux and the Vallée des Vaux branches of the stream.

The second earliest recorded use of the word "perquage" occurs in 1535. On the 23rd October, 1535, the livres of the Cour de Cattel record a decision of the Court concerning the road that lead from the house of Gracien le Gros to the Chemin du Roi:-

Touchant le chemyn et matiere de entre John picquot et gracien le gros Il est trouvey apres le Raport de xij hommes sermentes que ledit chemyn nest point perquage dempuys la meson dudit gracien jusques au chemyn du Roy dont lesdits picquot et gracien en ont Requis Lettre

Although this is the second earliest recorded use of the word "perquage" it states that a certain road is not perquage. The Court at the time must have had an understanding of "perquage" and le Gros must have had good reason and cause for believing that the road was perquage to have taken his case to the Court.

The act of the 26th October is doubtless the result of an earlier act of the 5th October ordering *Veüe termée* on the following Monday between Le Gros and Picot.

A Crown *rente* can be traced through the Extentes. In 1528, Perin Le Gros owed two sums to the Crown, i *quartier* "au propre" and i *cabot* for "la File de Carteret". In 1607 these *rentes* were due by Jacques Rondel for John Hamon in the discharge of Richard Benest, the entry for the greater sum adds that Benest was in right of his wife, the daughter of Gratian Le Grosse. In 1668, they were due by Jean Le Masurier fils Philippe for Rondel for Hamon though the smaller sum adds a stage in right of Martin Romeril. In 1749 they were due by Philippe Gruchy in right of his mother the daughter of Jean Le Masurier (*fils Jean fils Philippe*).

Jacques Rondel, who had acquired a property in Trinity from John Hamon (*fils Guille*) upon which he owed the Crown *rentes* sold it on the 5th November, 1603, to Philippe Romeril. His contract of sale states that the tenement had once belonged to Gratian Le Gros and that the greater sum due to the Crown was due for Perrin Le Gros, Gracien's father. Romeril's son, Martin, sold the property to Philippe Le Masurier on the 18th July, 1607. The property was said to be on the Fief du Buron. From the Le Masurier family the property passed by inheritance to the de Gruchy (sometimes written as just Gruchy despite the popular believe that the "error" does not occur) and Hocquard families and then to the Quérée's, the last of whom sold the house, then called La Lande in 1947, still with the same two Crown *rentes* due on it.

La Lande forms the south-east corner of the junction between La Rue de la Lande and La Rue de la Petite Lande. The Chemin du Roi in question was doubtless that lying to the south now known as La Route d'Ébénezer leading from Hautes Croix to Trinity Church. The road which was considered by the Court in 1535 was thus La Rue du Pont des Oies leading from La Lande to La Route d'Ébénezer. It is interesting to note that the most northerly source of the stream which flows down Grands Vaux is a spring just to the south of La Lande and which follows la Rue du Pont des Oies to the junction with La Route d'Ébénezer ¹⁰².

Was the 1535 judgement wrong? Was the road perquage? Is all that now exists a trace of a 'fossilised' perquage? If the suggestion that perquages were "eau publique" from source to sea is correct then may be the road was perquage and may be Gracien Le Gros was right after all!

To the south of La Route d'Ébénezer the stream passes through the Fief de la Trinité and possibly that of Diélament. Both fiefs formed part of the grant made by Henry III to Drouet (or Drogo) de Barentin in c.1250 out of the then Royal Domain¹⁰³. That the grant was carved out of the Royal Domain has been shown by a study of the Crown revenue in the Ministerium of Groccio where the

¹⁰² C3/68; RP1/114;2/154 & 445c/78

¹⁰³ de Gruchy, G. F. B. 1957 *Medieval Land Tenures in Jersey* 74 et seq.

Crown rental between 1180 and 1274 was greatly diminished¹⁰⁴. De Barentin was Senechal of Gascony and Warden of the Isles and his family had presumably recently lost its Norman estates by remaining loyal to King John, Duke of Normandy. It could be argued that the overriding factor in the grant was to maintain de Barentin's loyalty and that this was more important than the nature of the stream. Indeed, two water mills were established on this stream on the Fief de la Trinité.

To the south again the stream flows into the Fief de Ponterrin. Le Moulin de Ponterrin was granted by Duke William, the Conqueror, to the Abbess of Caen¹⁰⁵. Both up stream and down stream of the mill the meadows in the valley floor formed part of the Fief Common. To the north of the mill the common was sold in two sections by Philippe Ingouville in 1800 who had right from Thomas Le Hardy, the *Seigneur*¹⁰⁶. To the south of the mill the meadow land was known as Le Pré de la Commune, it was sold in 1804 by Pierre Le Boutillier to Charles Le Quesne. Le Quesne was bound to perform the function of *Prévôt* of the Fief de Ponterrin which was tied to the land¹⁰⁷. This tie was established in 1684 in an agreement which was reached between Pierre Le Boutillier (the *prévôt*), the *Dame* and the *tenants* of the *fief*. The land was then described as La Petite Commune and was granted to Le Boutillier who, with his heirs in succession, was to perform the role of *prévôt* in perpetuity in exchange for the land¹⁰⁸.

To the south of Ponterrin the stream crosses into the Parish of Saint Saviour and enters the *Fief du Roi*. The first section of meadow land is the Common of the *Fief du Roi* in Saint Saviour. Along the west side of the Common and to its south the stream nowadays forms the boundary between the Parishes of Saint Saviour and Trinity. The Common was the subject of an agreement between the Crown and the *tenants* in 1803¹⁰⁹. It was to be enclosed and a gate established towards the public road, the future maintenance costs were to be met from the rental to be generated in leasing the meadow, it was also acknowledged that the *Seigneur* of Diélament enjoyed a right of way across the land. The *écluse* for Le Moulin de Louys Paul lies at the south end of the Common and is to the north of the Pré de l'Hommage, a meadow that until the early nineteenth century belonged to the *Seigneur* of Diélament, though the *pré* is in the parish of Saint Saviour whereas the main part of the Fief is in that of Trinity¹¹⁰. The site of the original, or at least an earlier, Diélament Manor lies to the west of Le Moulin de Louys Paul which is to the south of the Diélament lands and is just in the parish of Saint Helier. This property had lost its manorial status by the end of the fifteenth century. It was inherited by a junior branch of the Lemprière family in the c.1507 *partage* of the property of the late George Lemprière, the senior side took the present manor. The Pré de l'Hommage passed with the new manor. On the 18th July, 1524, Janette, daughter of George Lemprière, gave the site of the old manor to Helier Bisson, Prêtre, together with the two meadows to the south of Le Moulin au Mans (Le Moulin de Louys Paul), one of which was in the parish of Saint Saviour on the Fief of Grainville and the other in

¹⁰⁴ Aubin, C. N., Bordage, Bedelage and Sergenté Tenure in Jersey, *Ann. Bull. Soc. Jersiaise* vol26 1994 246 et seq.

¹⁰⁵ *Cartulaire des Iles 1918-1924*, Société Jersiaise 410

¹⁰⁶ RP92/158 & 159 4th Oct 1800

¹⁰⁷ RP98/10 7th Jan 1804

¹⁰⁸ Roolles de la Cour de Ponterrin 1684-1793, Société Jersiaise Library, 347(42341)PON

¹⁰⁹ RP96/221 5th Nov 1803

¹¹⁰ 18th Apr 1812 RP113/76 & 13th Mar 1819 RP125/155

Saint Helier on the Fief of Mélèches¹¹¹. The Fief of Diélament, as noted, was carved out of the Royal Domain.

There were three corn mills and one fulling mill downstream of the Common. Le Moulin de Louys Paul was built before 1537 by Thomas Le Mann on a bordage, with Crown consent in exchange for a *rente*. Le Moulin des Grands Vaux was the Crown Seigneurial mill for the *Fief du Roi* in the parish of Saint Martin; Le Moulin de Malassis was also a Crown Seigneurial mill and was used by both the Crown *tenants* of the *Fief du Roi* in the parish of Saint Saviour and the *tenants* of the Fief of Grainville. All three corn mills were thus under Crown 'control'. The fulling mill occurs in the records of the fifteenth to seventeenth centuries and was owned by the La Cloche family¹¹². The stream then feeds the mill pond for Le Moulin de la Ville which is sited near the confluence with the stream that descends Vallée des Vaux (Les Petits Vaux).

The stream in the Vallée des Vaux at its north end forms the boundary between the parishes of Trinity and Saint John and flows south into the Fief des Augrès. The origin of this Fief is lost in time but it is said to date from a Royal grant to a Gallichan or, as the name was then recorded, Le Galicien, at some time prior to 1274 when the Fief first appears. The family were in Jersey by the end of the twelfth century when they are recorded as making grants locally. There were at least two main branches of the family which both adopted the names of their holdings, *viz* de Handois and des Augrès. It has been suggested that the original Gallichan was a mercenary from Galicia in Spain rewarded for services rendered to Henry II (1154-1189) by the grant in Jersey¹¹³. The des Augrès Fief had a water-mill on the Vallée des Vaux stream.

On exiting the Fief des Augrès the stream enters that of Mélèches. A large Fief probably created in the early thirteenth century by a Royal re-grant of confiscated land with additional Royal Domain land. As with the Fief of Diélament part of the Fief of Mélèches can be shown to have been carved out of the Royal Domain¹¹⁴. Running along the stream on the floor of the Vallée des Vaux are several long stretches of Fief Common, starting near Le Moulin Nicolle, an old converted malt mill, and leading as far as the *écluse* of Le Moulin de la Ville (the mill had two *écluses*, one on each stream). This Common is still to be seen today and is maintained by the parish. The principal Common of this Fief in Saint Helier was at West Mount and along the coast as far as the General Hospital.

Le Moulin de la Ville was previously known as Le Grand Moulin du Prieur. It was granted by Henry II (1154-1189) to the Abbey of Saint Helier, which was founded in c.1155 and demoted to the rank of priory in 1179¹¹⁵.

The streams from both valleys merge near Le Moulin de la Ville. The combined stream then powered Le Moulin de l'Hermitte, a small malt mill situated in what is now Le Geyt Road¹¹⁶. A *rente*

¹¹¹ Parties de herytage pour les lampryeres. Société Jersiaise Library A draft of the contract of partage has survived but not the actual contract itself! See also *Bull. Ann. Soc. Jersiaise* 1909 p424

¹¹² Stevens, C. 1977 The Windmills, watermills and streams of Jersey, TS Société Jersiaise Library. Aubin, C. N., *A History of Mills and Milling in Jersey* (provisional title, forthcoming)

¹¹³ On the subject of Gallichan, des Augrès and Handois see de Gruchy, G. F. B. op. cit and Stevens, C. 1977 The Fiefs of Jersey TS Société Jersiaise Library. Unfortunately, Stevens makes too great an issue of the differences between "Augrès" and "Augeres" in the medieval record, he also spreads the misconception that le fief des Augrès was one of the de Barentin fiefs sold to Payn and Lemprière.

¹¹⁴ Aubin, C. N. loc. cit.

¹¹⁵ de Gruchy loc.cit. & Cartulaire des Iles 1918-1924 Société Jersiaise

¹¹⁶ Unfortunately this mill has been the subject of much confusion. Stevens located it in Le Geyt Street the other side of town. The mill later became a powder mill and eventually a vinegar plant!

of two capons was due to the Crown on this mill¹¹⁷. This mill is sometimes erroneously located in Le Geyt Street at Les Hiemes.

The stream continues its seaward journey. It separates the parishes of Saint Helier and Saint Saviour and the fiefs of Mèlèches, on the west bank, and Grainville, on the east, as far as the bottom of Wellington Road where the east bank of the stream runs into the Fief du Buisson which is also in Saint Helier. When the stream reaches Tunnell Street a branch known as le Faux Bié flows west. The main stream continues its course and is known as le Grand Douet. The junction with le Faux Bié more or less marks the start of the Saint Helier perquage as shown by the *Visites* and the sales by Edward de Carteret *et al.*

On the 6th July, 1614, the *Visite* passed along the perquage in Saint Helier. Noel Godel (in right of Clement Botterel) was fined for having partially blocked the perquage with a wall to the west of the Douet Godfray "ou ledit perage commence".

Godel had acquired a small plot of land at the Planque Godfray from Clement Botterel in 1601. In 1602 he bought a house and Le Clos de Devant from Nicollas Descaudeville *et uxor* and in 1617 he bought a further plot of land from Philippe le Cheminant. He sold all these lands and a one half share of Le Moulin de la Ville to Jean le Hardy in 1628. Godel was then declared *en décret* and in 1630 Jean le Hardy, then *tenant après décret* of Godel, sold the property to the latter's wife. In 1663 when the Royal Court, at the instigation of Sir Edward de Carteret, attended to the bornement of the Saint Helier perquage they again recorded that they started near the house of Noé Godel. In 1687 Godel's son, Noé, sold to Philippe Le Hardy the Clos de Devant to the south of his house and on the other side of the road together with Le Parqué, a small plot of land to the west of the *clos* and on the other side of the stream and extending as far as the perquage. Le Hardy sold on to Jean Neel in 1693. The Godel house was sold in 1725 by Elizabeth Godel to Edouard Valpy, whose grandson, George, sold it in 1764 to Jacques Le Conte. Le Conte's daughter, Rachel, sold the site of the house in 1799 to David de Quetteville, whose son, Philippe, sold it to Thomas Baudains. His grandson, Thomas Edouard, still owned the land in 1873, when it was described as bordering Tunnel Street on its south. A six *sous rente* payable to the Crown can be traced through these contracts from the sale by Descaudeville to Thomas Edouard Baudains¹¹⁸.

It would seem strange for a sanctuary path that lead from the parish church to the sea to start in Tunnell Street!

In December 1592, a disagreement arose concerning the perquage in Saint Helier. Alixandre Skinner and François Gruchy were fined for encroaching on the perquage. The former had recourse to Helier Dumaresq and the latter to Helier de Ste Croix, though Dumaresq claimed exemption from perquage. The Court ordered an extract of the records showing exemptions and ordered a *veüe*. The matter started before the Cour du Samedi but was transferred to the next sitting of the Cour de Cattel. In May 1593 Jean Faultrat and George Michiel did not attend the Court, where the action was recorded as specifically relating to the perquage in the "prays du coys"¹¹⁹. Again, in October 1593 Jean Le Faultrat, Jean Le Brun and Edouard La Cloche were absent at the instance of Nicolas Lemprière, Helier Dumaresq and Aaron Stocall. The absentees had been required to advise the Court of the nature and width of the alleged perquage between the "prays du coys". In December 1593 Noel Le Geyt and Michiel Le Geyt were absent. The court, however, ordered the witnesses to attend the next *Visite*. Unfortunately no more is heard, presumably the matter was successfully concluded at the *Visite* but the records have not survived. Only the definitive "start" of the perquage has been passed on.

¹¹⁷ see Rp3/21; 5/264; 27/215; 43/150 7 228/145

¹¹⁸ RP1/11; 1/100; 5/98; 7/371; 9/13; 24/70; 25/136; 34/143; 28/174; 48/26; 88/163; 260/66; 173/3 & 255/68

¹¹⁹ Although the area now known as Le Coie is sited further to the north, where the Le Coie Hotel is, the name used to refer to the meadows to the south of Tunnell Street.

An earlier dispute had arisen before the Royal Court concerning the Saint Helier perquage. On the penultimate day of November, 1570, a *Veüe* was ordered for the Monday two weeks hence at the behest of the Procureur du Roi who was complaining of encroachments on the perquage. Unfortunately, the *Resort du Veüe* has not survived, neither do the existing records show the specific section of the perquage which was in question¹²⁰.

From its artificial beginning at the Godel property, the perquage does not follow the stream but cuts across the meadows. However, it does separate the fiefs of Mèlèches and du Buisson, the land to the west of the perquage is on the former and that to the east is on the latter. The perquage and stream rejoin at the south-east corner of Le Pré de Rozel on the Fief des Augrès. Only one of the *prés* to the west of the perquage is on a different *fief*, the Pré ès Verrans or Pré du Rocquier, is on the Fief ès Verrans, but this will be discussed later.

From the south-west corner of Le Pré de Rozel the perquage and stream cross La Rue des Augrès, or Bath Street, and then follow Hilgrove Street as far as the present day Market gate, here the stream is diverted to the north but the perquage continued and lead into the Royal Square, or La Place du Vieux Marché.

On the 5th September, 1663, the Royal Court considered the perquage in Saint Helier. Again, on the 8th October, 1663 the Court visited the perquage and defined its physical width starting at the lands of Godel and going as far as those of Susanne Dumaresq and Moyse Le Vavasseur dit Durel lying to the west of le Pré de Rozel¹²¹. The perquage was found to be of insufficient width and the parties concerned were ordered to make the necessary adjustments to their boundaries. The Court proceeded along the lands of Thomas Hilgrove where there were many encroachments. Those in the wrong reserved their right of action against their predecessors in title, but were fined for the benefit of Edward de Carteret. The problems concerning the section between Thomas Hilgrove and Jean Dumaresq were adjourned for two weeks to allow the parties to consult their titles. De Carteret, out of his good will towards the Public, ceded to the public the whole site of the *Marché* save a small plot that he retained for the Corn Market (Halle à Bleds) for Public use retaining the upper floors for his own profit.

The Court attended again on the 23rd October to delimit the perquage between the lands of Thomas Hilgrove and Jean Dumaresq. As he was the last to have built, Hilgrove was ordered to demolish as much of his buildings as necessary to furnish a perquage of twenty four *pieds* width unless he could produce evidence to the contrary. De Carteret protested that nothing should affect his title to any *terre vacante* along the perquage!

On the 2nd June, 1664, Edward de Carteret had presented to the Royal Court the letter of 1st April, 1664, from King Charles II. This was followed on the 16th July, 1664, when the Royal Court again attended to the Saint Helier perquage at the further request of Edward supported by his Royal Letter¹²². On this occasion the measurements were taken with great care. Between the properties of Thomas Hilgrove and Jean Ahier there were found to be $37\frac{1}{2}$ *pieds*. From this was to be deducted the public road of 8 *pieds*, the stream equally of 8 *pieds* including 4 *pieds* for the bed of the canal and 2 *pieds relief* on each side and $1\frac{1}{2}$ *pieds relief* for the walls on each side; this left $18\frac{1}{2}$ *pieds* ($37\frac{1}{2} - 8 - 8 - 3 = 18\frac{1}{2}$) indicating that Hilgrove had encroached on the perquage by $5\frac{1}{2}$ *pieds* ($24 - 18\frac{1}{2} = 5\frac{1}{2}$). Opposite Richard Dumaresq's house Hilgrove was said to have encroached 16 *pieds*. Between the properties of Abigail Dumaresq and Michel Lemprière there was a short fall of 13 *pieds* and both parties were required to provide an additional $6\frac{1}{2}$ *pieds*. Along this section the stream had been diverted to the north and the total width was thus 24 *pieds* for the perquage, 8 *pieds* for the public road and 3 *pieds* for the *reliefs*.

¹²⁰ C10/26

¹²¹ RP23/148

¹²² RP23/148

It has not been possible to ascertain the route of the perquage after Hilgrove Street with any accuracy, other than that it passed through the Royal Square and from there the perquage continued passed the Corn Exchange and the parish cemetery. Again, its route from here to the sea is uncertain. The site of the Peirson Hotel, the properties to the north and south of Vine Street and in part along Broad Street, derive title from sixteenth century sales by Royal Commissioners. The Commissioners' authority to sell lands, *rentes* and wastes was given by *Lettre Royale* dated the 27th June, 1562¹²³. Les Chroniques, written in the sixteenth century, records these sales and the subsequent buildings: "en la ville de St. Hélier, beaucoup de places vacantes où maintenant est bastie plusieurs belles maisons et autres choses au profit et avantage de Sa Majesté"¹²⁴. Unfortunately, no copies of the sale documents have survived but the properties can be traced through the Public Registry and the Crown Extentes. In the latter, the properties are listed as "For the New building edified within the Towne of St Helliers" and show a poulage *rente*.

At the *Visite* of 6th July, 1614,¹²⁵ Abraham Dumaresq complained of the Court passing across his property to which he claimed title from the Royal Commissioners; the Court had proceeded directly from Hilgrove Street to the Vieux Marché (now the Royal Square). The Court continued but allowed Dumaresq to appeal. Some of the *voyeurs* reported that the perquage had been said to pass along the yard of Nicolas Lemprière's house and to turn into the Vieux Marché passed the house of Pierre de La Rocque.

The Court again visited the area on the 10th July, 1617¹²⁶. Again Abraham Dumaresq protested claiming that the perquage should pass in front of the house belonging to the heirs of Nicolas Lemprière. The matter was referred to the Cour de Cattel where it was discussed on the 23rd October of the same year¹²⁷. *Veüe termée* was set for the 6th November, 1617. Unfortunately, the *Resort* was not recorded but the outcome can be gleaned from the sales by Edward de Carteret to Jean Dumaresq *fils* Abraham¹²⁸. On the 21st January, 1664 (1665), de Carteret sold to Dumaresq the Perquage and *terres vacantes* which joined on their north and south land belonging to Dumaresq and lying to the south of the house of Jean Dumaresq *fils* Jean (this was the Lemprière house). The sale also included 4 *pieds* to the west which were to be left open. On the 20th March, 1679, de Carteret sold to Dumaresq the 4 *pieds* leaving open a 20 *pieds* road to the west towards the property of David Patriarche (this was the property of Pierre de la Rocque) to allow public access from the road to the north (King Street) to the Vieux Marché. The Dumaresq property through which the perquage thus passed is the isolated block, opposite Woolworth, including the Peirson Hotel.

The 1614 *Visite*, and those in 1624, 1627, 1630, 1634 and 1639¹²⁹, record encroachments on the perquage by the owners of the house that had belonged to de la Rocque (which eventually passed to Patriarche, this is the east end of the north side of Vine Street) and the occupiers of the "estalles des souliers". Both parties were fined equally for "faute de laise".

¹²³ O du C vol i p42

¹²⁴ *Chroniques de Jersey*, ed Abraham Mourant, 1858, 110

¹²⁵ V des C 1/7

¹²⁶ V des C 1/29

¹²⁷ C16/37

¹²⁸ RP17/333 & 22/123

¹²⁹ V des C 1/7, 47, 52 & 2/3 & 20

Sir Edward de Carteret exchanged perquage for land on the Town Hill with La Vingtaine de la Ville on the 2nd November, 1693¹³⁰. De Carteret ceded to the Vingtaine all the perquage from the land of the heirs of the late Jean Dumaresq above the *Marché* as far as the sea. The perquage across the *Marché* was to be maintained as it was and left open for the benefit of the public, notwithstanding his earlier act in 1663!

The States of Jersey proposed the building of a new Halle à Bleds (Corn Market) at their sitting of the 25th August, 1668¹³¹. The offer made by Susanne Dumaresq to build it at her cost in exchange for the possession in perpetuity of the upper floors was accepted. Edward de Carteret (in right of the perquage and *terres vacantes*) relinquished all claims he may have had to the proposed site which was below (au bas) the *Marché* (that he had retained in 1663). A similar arrangement had previously been reached in the sixteenth century with Nicolas de Soulement concerning the old butchers' and corn markets on the south side of Vine Street which he had built on land acquired from the Commissioners¹³².

Continuing towards the sea there is no evidence for the route of the perquage which de Carteret had exchanged with the Vingtaine, it presumably passed around the north-west of the town church and along what is now Conway Street, skirting the *bénéfice* lands. In this region the perquage would have reached the land that formed the basis of several disputes entered into by those claiming title from Edward de Carteret to ownership of the sea frontage and which Edward himself tried to claim at the *ex tempore* meeting at Le Geyt's house. This land has largely been reclaimed since the sixteenth century.

The Spurious and the Dubious

In addition to the perquages described above there are several "perquages" which on closer examination are shown to be nothing more than the spurious and the dubious. There is no evidence for these, indeed, they can be shown not to exist or to be derived from compounded errors.

- i) Saint Lawrence from the Church to Saint Peter's Valley
- ii) Les Perquages in Saint Helier - Perruques
- iii) Le Perquage or Castle Street
- iv) Saint Ouen
- v) Bouley Bay
- vi) Saint Brelade's church - Le Coleron
- vii) Perquage Map

- i) Saint Lawrence from the Church to Saint Peter's Valley

The route of the so-called perquage that lead from Saint Lawrence Church to the sea via Saint Peter's valley was published in 1946 by G. S. Knocker¹³³. Mr Knocker passed an undoubtedly pleasant Sunday morning, the 13th September, 1942, walking from the parish church along the track from the west end of the cemetery down the valley and on to the coast. Whilst his intentions were for the best, Mr Knocker admitted that he had carried out no research into the perquage but thought it best to record what he saw before it was engulfed in waves of German rubble and a railway track. As is usual, Mr Knocker assumed that the perquage started at the church and then pursued the sanctuary path misnomer with commendable vigour.

¹³⁰ RP25/157

¹³¹ Actes des Etats 1660 - 1675, Société Jersiaise 1900

¹³² A des E 10 Juillet 1574 & Extente 1607 67 "Buchers Shambles and Corne Market"

¹³³ Knocker, G. S. The St Lawrence Perquage *Bull. Ann. Soc. Jersiaise* 1945-46

Unfortunately, there is no evidence for this perquage, it is an unnecessary fiction created by the sanctuary path myth.

ii) Les Perquages in Saint Helier

Les Petits and Les Grands Perquages are recorded in *Jersey Place Names* as being on the Fief of Mèlèches, in the parish of Saint Helier. They were held by Noé de Gruchy and Ph. Binet in 1814. This is no more than a copyist's error.

On the 15th June, 1805, Noé de Gruchy purchased a house and land from George Touzel. The lands included "le Grand Côté des Perruques", "le Côté des Perruques", "les Grandes Perruques" and "les Petites Perruques".

On the 16th April, 1814, Philippe Binet acquired the *dîme* due on his fields from Clément Bailhache, included in the list of fields was "les Perruques".

On the 4th June, 1814 Philippe Richardson also acquired the *dîme* due on his field called "les Perruques" from Clément Bailhache. *Jersey Place Names* correctly gives Richardson as holding "Perruque" in 1814. Under the same heading are recorded "Le Côté des Perruques", "les Grandes Perruques" and "les Petites Perruques"¹³⁴.

iii) Le Perquage or Castle Street

There is no evidence for perquage here. Indeed, the whole area is on land reclaimed only since the mid seventeenth century.

The south end of the street was reclaimed in the eighteenth and nineteenth centuries. The north end, however, does derive title from Edward de Carteret. De Carteret sold an area of sand dune to Thomas de Quetteville on the 30 April, 1670, although the contract of sale records it as forming part of the *terre vacante* the sale is indexed in the Table at the Public Registry as a sale of "Perceage!"¹³⁵

iv) Saint Ouen

See above: "La Tihelle"

v) Bouley Bay

It has been suggested that a perquage ran down to Bouley Bay following the stream near Tas de Geon. No documentary evidence exists.

vi) Saint Brelade's church - Le Coleron

As noted above there is no evidence for the supposed perquage exiting the south-east corner of Saint Brelade's churchyard adjacent to the property known as "Le Coleron". A detailed study of the property's history at the Land Registry back to 1630 shows it adjoined the cemetery but made no reference to perquage. (see *supra*)

vii) Perquage Map

Reference must also be made under the heading of "the Spurious and the Dubious" to a map purporting to be a provisional map of the Jersey Perquages. This is printed as Drawing No 3 (facing page 28) in *Old Jersey Houses*, Volume 1¹³⁶. The map faithfully records the "certain", "probable" and "possible" routes of the perquages leading from each of the twelve parish churches to the sea.

The "certain" routes perpetuate the sanctuary path myths from the parish churches of Saint Lawrence, Saint Brelade and Saint Ouen (La Tihelle), as well as starting from Saint Peter's church

¹³⁴ RP99/257; 116/125 & 116/271

¹³⁵ RP19/194

¹³⁶ Stevens, Joan, *Old Jersey Houses* Volume 1, 1965, Drawing No 3 (facing page 28).

instead of near La Fontaine Bénite. The "probable" routes follow the perquages from the parish churches of both Saint Martin and Saint John as outlined above, and unexplained paths from the parish churches of both Saint Helier and Saint Clement to the sea. The "possible" routes include the postulated Saint Mary extension from Saint Peter's Valley and unexplained paths from the parish churches of Grouville, Saint Saviour and Saint Ouen (via La Grève de Lecq) to the sea. There is also a suggestion of a sanctuary path route from Trinity church to the sea at Bouley Bay.

This map must be disregarded.

Polemic

From the above several conclusions may be drawn. There is no record of 'perquage' and 'sanctuary path' being equated in historical documents nor is there mention of a claimant of sanctuary following a perquage or any other specific path to leave the Island. Whilst this could be a result of random preservation of material the evidence that the perquages did not actually go to the churches would, finally, be sufficient to disprove the myth.

The right of sanctuary in England as affected by Case Law and Statutes is not reflected in Jersey. Conversely the English Statutes concerning the Confiscation of the Alien Priories and the Dissolution of the Chantries and Colleges did affect Jersey. The property acquired by the Crown by the latter, including chapels and land as well as obits and *rentes* was sold¹³⁷. The fiefs and priories acquired by the Crown by the former were, and indeed in some cases still are, held by the Crown as separate holdings. They were not absorbed into the *Fief du Roi*. The Fief Courts continued to sit and to be administered independently and were known as the Bas Fiefs. It is difficult to follow how any of these Statutes could have transferred so-called 'Sanctuary Paths' from the Church domain to the Crown Domain and then allowed their absorption into the ordinary Crown organisation and their inclusion in the *Visites*.

The alternative suggestion postulated by Poingdestre that the perquages were the widest of the Jersey roads and were originally also used for army manoeuvres, processions and the like does not stand close scrutiny. Poingdestre could not have been fully aware of the routes of the perquages. It would be difficult to equate army manoeuvres and processions with "tracks" which straddle streams and run along valley floors though his comment that they were "open" does imply maintenance or farming usage (perhaps grazing).

The perquages have long been accepted as being twenty-four Jersey feet wide, that is twenty-four *pieds* or twenty-two imperial feet. As noted above there were many arguments over encroachments onto the perquages when they were found to be of insufficient width. There were also arguments about the land left in excess of twenty-four *pieds* once de Carteret had sold the perquages. This was noted in Saint Peter's Valley near Gigoulande Mill and in the sale to Wealch in Saint Brelade. De Carteret also claimed any *terre vacante* that there may have been in Hilgrove Street. The Common in Vallée des Vaux is in excess of this width. In Saint John in 1584¹³⁸ an *enquest* was held into the ownership of several strips of land between the perquage and Pierre Belin's hedge which were disputed between Belin and Clément Journeaux (probably *Seigneur* of Saint Jean la Hougue Boëte). The *gens* of the *enquest* reported that a perquage was of 24 *pieds* width and any surplus belonged to the adjoining land owner. Journeaux was ordered to prove his title. The case was abandoned a year later on a technicality in that Journeaux had been incorrectly summonsed. Were the perquages really twenty-four feet wide? Is this a circular argument brought about from the understanding of the origin of the word perquage or has their width been standardised at some later time?

The word perche or perque (its Jersey French equivalent) would originate from the Latin *pertica*, 'pole'. The word Percege or Perquage is, in origin, a regular derivative of perche or perque (the

¹³⁷ see *The Jersey Chantry Certificate of 1550*, Société Jersiaise, 1975

¹³⁸ Ex14/8 1584 Mai 9, see also H5/50 1584 Déc 17 & H5/71 1585 Avril 22 for continuation

supposed width) in Jersey French, or, if truly ancient, could represent a Late Latin *perticaticum* 'space measured out by one pole (of standard length)' or the 'act of such measuring'. This proposal would require a Latin origin for the word "perquage", but no Latin version is known. Alternative derivations for perquage have been considered in the course of this study but they have been abandoned for linguistic reasons:- *percaria* 'Corvées' and *pourpresture* 'seizure on one's own behalf'¹³⁹.

The streams

The outstanding feature of perquages is their association with streams. Except for sections that have been exchanged or can be shown to result from later "arrangements" each perquage straddles a stream from its source to the sea.

The connection between the streams in Les Vaux, Saint Peter's Valley and Les Grands Vaux/La Vallée des Vaux is Crown mills.

The one mill in Les Vaux is Le Moulin d'Égoutpluie granted by Henry II, or his predecessors, before 1189¹⁴⁰.

There were eight mills in Saint Peter's Valley. The Crown Seigneurial mills for the parishes of Saint Mary, Saint Peter and Saint Brelade were all sited on this stream: Les Moulins de Gigoulande, de Gargate and de Quetteville respectively. There were also three malt mills in the valley which owed *rente* to the Crown: Le Moulin à Brée at Valley Farm and Les Moulins de l'Hommel and de la Cave. Le Moulin de la Hague or de Totain is associated with the Fief de la Hague and is in private ownership, its origins are lost. There is, however, a *rente* due on it recorded in the Crown Extentes. Le Moulin de Tesson, though granted by the Crown in 1649, was the Crown's by forfeiture. It had been held by Guillaume Pynel but was lost when he embraced the French cause in 1204 after the loss of Normandy. Pynel's land and mill were regranted to Guillaume de Chesney in 1244. The original, pre-1204, status of this mill is thus unknown¹⁴¹.

In Les Grands Vaux there were seven mills up-stream of the confluence with La Vallée des Vaux. Les Moulins de Haut and de Bas were both attached to the Fief de la Trinité which was carved out of the Royal Domain by Henry III in c.1250. Le Moulin de Ponterrin was granted by Duke William, the Conqueror, to the Abbess of Caen in c.1060. Le Moulin de Louys Pol was built with Crown consent in the fifteenth century in exchange for a *rente*. Les Moulins des Grands Vaux and de Malassis were Crown Seigneurial mills for the *Fief du Roi* in Saint Martin and Saint Saviour respectively, though the latter also served for the Fief de Grainville. The last mill on the stream was a fulling mill belonging in the seventeenth century to the La Cloche family.

There were only two mills in La Vallée des Vaux. Le Moulin des Augrès belonging to the family of the same name which was probably granted by Henry II to a Gallichan prior to 1180 when the heir owes *relief*¹⁴². The second mill was another malt mill, Le Moulin de Nicolle, converted to corn in the seventeenth century with Royal consent¹⁴³.

¹³⁹ pers. com. Richard Coates, Professor of Linguistics at the University of Sussex. The author would wish to express his gratitude to Professor Coates for his thoughts and comments relayed in this paragraph.

¹⁴⁰ For a detailed history of the mills of Jersey see Aubin, C. N. *A History of Mills and Milling in Jersey* (provisional title, forthcoming)

¹⁴¹ *Extente 1274* Société Jersiaise 1877 p24; *Cartulaire des Iles* Société Jersiaise 1918 - 1924 p203

¹⁴² *Magni Rotuli Scaccarii Normanniae* ed Thomas Stapleton 1840 2 vols

¹⁴³ *Journal de Jean Chevalier* Société Jersiaise 1908 - 1914 p549

Le Grand Moulin du Prieur de la Ville was granted to the Abbey of Saint Helier by Henry II prior to 1179. There were three other mills down stream, all malt mills, Le Moulin de l'Hermitte and Le Moulin à Brée were on the stream above Tunnell Street. Le Moulin Débénaire was originally sited near Charing Cross but was rebuilt in the late sixteenth century on the same side stream but near the Town Church at La Madeleine, on land acquired from Royal Commissioners.

By way of contrast the other main stream leading to Jersey's south coast flows down Waterworks Valley. Here the first mill only, which is the Crown Seigneurial mill for the *Fief du Roi* in Saint Lawrence, has a Crown connection, the rest are private and owe no *rente* to the Crown even though some are actually on the *Fief du Roi*.

There is no evidence for a perquage in either Queen's Valley or Les Mouriers Valley. One might have expected to find a perquage running the length of the streams in both valleys along which there were Crown mills. The absence of any perquage could be due to its non-existence but it could also be due to the loss of all trace of its existence.

The land at the north end of Queen's valley, in Saint Martin, belongs to the Crown and is known as Le Parc de Belle Fontaine. To the south and on the other side of the main road, in Saint Saviour, is the King's Farm. Both of these lands were in Crown ownership by way of forfeiture. The latter is the forfeiture Gasnier, Getruier or Garnier as it is recorded in the Extentes. The former is possibly part of the lands of the Abbess of Caen or of the Fille de Carteret forfeitures with which it appears in the 1607 Extente but may be unrelated to either.

Downstream of the King's Farm, which was also known as the Queen's Farm at the appropriate time, lies the *écluse* and then the mill, of Le Moulin de Haut, a Crown mill since records began. Downstream again lies both the *écluse* and mill known as Le Blanc Moulin, the Crown Seigneurial mill for the *Fief du Roi* in Grouville together with Le Moulin de Beauvoir, a windmill. On either side of the latter water mill are Crown meadows.

At the south end of the valley lies Le Moulin Malet and its associated meadows which were a dependancy of le Fief ès Malets, which Fief the stream then crosses. This is an unusual Fief in the arrangements allowing Crown tenants to grind at the Fief mill.

From there till reaching the sea the stream touches the Common of the *Fief du Roi* in Grouville on its east bank; the west bank lies for some distance along land forfeited to the Crown in the fourteenth century by "La Fille de Carteret"¹⁴⁴.

Of the three mills in Mourier valley one was a nineteenth-century paper mill, one was a malt and fulling mill and the third was the Crown Seigneurial mill for the *Fief du Roi* in Saint Mary. This latter had been sold by the Crown prior to 1600 after which date it was sold with the *verp* of Saint Mary and two plots of land between the *bié* and the road (could these have been perquage?). In part the stream borders onto the Common of the Fief de l'Aumône which had been held by the Bishop of Coutances prior to the Confiscation, but the Bishop's title is unknown. To the west of the malt and fulling mill the stream borders on its south-west the Commune du Nord of the *Fief du Roi* in Saint Mary and on its north-east the Common of the Fief de Saint Jean la Hougue Boête.

The only mill on the Saint Catherine perquage in Saint Martin is Le Moulin de la Perrelle which belonged to the Fief of Rozel. The origins of the mill are unknown, there is no Crown *rente* due on it. It is possible, as Stevens suggested,¹⁴⁵ that the original Rozel mill was sited nearer the manor. This may have become the malt mill once Le Moulin de la Perrelle had been built. The Fief itself was regranted by Henry III in 1247 to Drouet de Barentin, Warden of the Islands, after its forfeiture by the de Fornet family which sided with the French after the loss of Normandy¹⁴⁶.

¹⁴⁴ Aubin, C. N. The Molendinary system of Queen's Valley: the documentary record. *Ann. Bull. Soc. Jersiaise* Vol25 1990 297 *et seq.*

¹⁴⁵ *Windmills, Watermills and Streams of Jersey*, Stevens, C. 1977 TS Société Jersiaise Library

¹⁴⁶ de Gruchy G. F. B. 1957 59

The other three perquage streams are minor and have no recorded mills. There are many other minor streams without mills. There are, however, private mills to be found on some other streams. Neither Le Moulin de Longueville (or Darundel) in Saint Saviour nor Le Moulin de Lecq on the East branch of the valley leading to La Grève de Lecq owed Crown *rente*. The second mill on the latter stream is known only in the Crown sale of the ruined buildings in the sixteenth century. The single mill in Le Val de la Mare, Le Moulin de la Mare, was the *seigneurial* mill for the Fiefs des Vingt Livres and de Saint Ouen, there was no Crown *rente* due. The remaining mill valley is Bellozanne where there was a single mill, Le Moulin de Friquet on which a Crown *rente* was due following its sale by the Crown. The mill was on the Fief de la Godellière but some of the *résseants* were *tenants* of the Fief à l'Abbé de Bellozanne.

Norman Practice

In continental Normandy visits were regularly held of the Crown water courses. Since the sixteenth century, these visits were recorded in the Procès Verbaux des Visites des Eaux et des Forêts. Unfortunately, the relevant fonds at the Archives of both St Lô and Caen were destroyed in 1944. However, some insight may be gleaned from other sources.

The river Le Merderet rises to the north of Valognes and flows south to join La Douve before reaching the sea in the Baie des Veys at Carentan. It was visited in 1446, 1553, 1554 and again in 1586¹⁴⁷.

One of the participants at the visit of 1553 was Gilles de Gouberville, Lieutenant des eaux et des forêts. His daily diary and account book has survived and has been published¹⁴⁸. De Gouberville, who lived at Le Mesnil-au-Val to the north of Valognes, records that the first stage of the visit took place on Tuesday, 27th June, 1553:

Nous allasmes dysner à Hemevedz, le procureur Vastel, maistre Pierres Collas et son clerc; nous y trouvâmes le Sr de Grosparmy. Après disner, nous allasmes au Han et delà tout aval la rivière, jusques à Fresville, puis nous en vinsmes. Il estoit entre neuf et dix quand je passé par Vallognes.

The visit was completed three days later on the last day of June.

...dès le matin, je m'en allé à Vallongnes, Symonnet et Lajoie avecques moy; de là nous allasmes, Berteauville et Nicollas Le Provost avecques nous, à Fresville parachever le cours des eauez. Nous fusmes aval la rivière jusques au port de Neufville, puis nos en vinsmes chez Symon de Brix, Sr dud. lieu de Neufville, où nos beusmes. En nos en revenant, nos le trouvâmes au Pont-Perché. Je m'en vins par Monstebourg; il estoit six heures quand j'arrivé céans

De Gouberville records an earlier visit on the 19th July, 1549 probably to the same river.

dès le matin je party de céans Guillaume, Campdepie et Herpin avecque moy pour aller au cours des eauez, nous passâmes par Vallongnes pour recueillir l'advocat du Roy qui s'en vinst quand et moy, et maistre Guillaume Gardin pour greffier, nous montâmes sur l'eau au Han et fusmes jusques à la pescherye des Religieulx de Cherebourg, puis vinsmes monter à cheval

¹⁴⁷ Description Physique du Bassin du Merderet. *Memoires de la Société Archaeologique de Valognes*. Tome II 1880 - 1881 p51 et seq.

¹⁴⁸ *Le Journal du Sire de Gouberville 1549 - 1562*; Les Editions des Champs, 1993

chez le sieur de Beauchamp où estoient nos chevaux et de là m'envins coucher céans, il estoit viron dix heures de soyr.

In addition to the visits, de Gouberville was also in part responsible for the day to day policing of the water courses. In 1555 he was at Tourlaville. On the 3rd June he was advised that a *moulin à drapz* was being built on the Trotebec. He returned the next day with greater force and broke up the *écluse* that one Ferrant Postel had established in the river course for the new mill. On the 21st September, 1562, at the request of the Procureur des eaux et des forêts de Gouberville was present at the cleaning of the rivière des Prays at Tourlaville ("pour curer" or "fère parer la rivière des prays").

At its southern end Le Merderet flows into La Douve. This latter having passed through Saint Sauveur-le-Vicomte continues south-east and joins the Taute just north of Carentan before flowing into the sea. The "visitation" of La Douve from Saint Sauveur-le-Vicomte to le Fourc de Tautte fell to the *Viconte et Seigneur* of Saint Sauveur-le-Vicomte and was carried out by his *Viconte* or the latter's lieutenant who had the power to remove and fine obstructions and abuses of the river and "pescheries", whichever Fief they were on¹⁴⁹.

Early grants and charters from continental Normandy often listed with other appendages to a grant the expression "cum... aquis aquarum(ve) decursibus". This grant of a stream or water course is, unfortunately, absent in the very few Jersey references of the time¹⁵⁰.

Norman Law

L'Ancien Coutume de Normandie refers to both mills and water courses under the heading of Chapitre X - DU SENECHAL AU DUC¹⁵¹.

A luy [le Sénéchal au Duc] appartenoit... les eaues transmues dont le cours ancien estoit empesché il faisoit réduire en leur cours ancien, pourveu que la transmution d'icelles ne portast dommage à aulcun. S'aulcun veult tourner eaue qui soit en sa terre, dont les deux rives d'icelles eaue soient assises en son fief, il pourra bien faire, pourveu toutesfois quant elle yssira hors de son Fief il la introduise en son cours ordinaire, et que en ce n'y ait dommage à aulcun.

pescherie ou moulin aulcun ne peut de nouvel construire, se les deux rives de la rivière ne sont assises eu Fief en quoy il ayt liberté.

This is reflected in La Coutume Réformée , Articles 206 & 210:

206

L'eau courante, comment se détourne.

Le Seigneur peut détourner l'eau courante en sa terre, pourvû que les deux rives soient assises en son fief, & qu'au sortir d'icelui il les remette en leur cours ordinaire, & que le tout se fasse sans dommage d'autrui.

210

Nouvelle pêcherie ou moulin.

¹⁴⁹ *Histoire du Chateau et des Sires de St Sauveur-le-Vicomte*, Léopold Delisle, 1867. Pièce Justificative No.258, 21st June 1528 Dénombrement de la Baronnie de Saint-Sauveur et de Néhou, Baillé au Roi par Baptiste de Villequier

¹⁵⁰ Fauroux, Marie, 1961, *Recueil des Actes des Ducs de Normandie (911-1066)*

¹⁵¹ de Gruchy, W. L. 1881 *L'Ancien Coutume de Normandie*,

Nul ne peut faire construire de nouveau pêcherie ou moulin, si les deux rives de la riviere ne sont assises en son fief.

Under the heading DE L'OFFICE AU VICOMTE, Chapitre V, L'Ancien Coutume de Normandie refers to the *Vicomte's* jurisdiction of the water courses¹⁵².

L'Office au Vicomte... qu'il face tenir en droit point les anciennes voyes les sentes et les chemins, et qu'il face revenir les eaues en leur ancien cours qui sont remuées contre droit.

This also is reflected in La Coutume Réformée , Article 9:

9

Ainsi que les Ruës, Ponts, Cours des eaux.
Doit ledit Vicomte faire paver les ruës, réparer les Chemins, Ponts, Passages, & faire tenir le cours des eaux & rivières en leur ancien état.

Jersey Law

Poingdestre wrote commentaries on both the Ancien Coutume and the Coutume Réformée from the Jersey point of view¹⁵³. In relation to the Chapter of the Ancienne Coutume DU SENECHAL AU DUC Poingdestre confirms that the extract quoted above (from "S'aulcun veult tourner...") contains "de bonnes & utiles ordonnances" concerning what he terms "eaux publiques".

The chapter on the L'OFFICE AU VICOMTE he regards as superfluous as the jurisdiction of the Norman *Vicomte* was and had been a part of the jurisdiction of the Bailiff and Jurats. The Jersey *Vicomte* he regarded as a *Sergent de L'Epée*.

Turning to his manuscript commentary on the Coutume Reformée, Poingdestre relates his comments on Article 206 to the Chapter of the Ancienne Coutume DU SENECHAL AU DUC. Poingdestre notes that the last words of the Latin text have been omitted by the reformers such that a Norman *seigneur* was no longer required to have a specific right to build a mill if both banks of the river were on his fief. Poingdestre adds that the law in Jersey necessitated that a *seigneur* had either a Royal grant or possession of the right from time immemorial to build a mill. Such a grant was clearly obtained for the building of Le Moulin de Louys Pol in Grands Vaux. There are several examples in Jersey of such consent being obtained in the nineteenth century for the building of wind and even steam powered mills¹⁵⁴.

The *Visite du Vicomte* is recorded by Le Geyt¹⁵⁵. Le Geyt states that the *Vicomte* had no jurisdiction at the *Visites des Chemins* where the Royal Court acted but that the *Vicomte* acted on his own account, without the Court, on the *visite des eaux*. These *visites*, he states, were held in the parishes of Grouville and Saint Helier only. The *Vicomte* swore in six witnesses (*Voyeurs*) and was obliged to inspect the main streams in the two parishes to keep them in their ordinary courses and to cure flood problems. Le Geyt also makes the important observation that in his opinion the *Vicomte*

¹⁵² op.cit.

¹⁵³ Poingdstre, Jean. *Les Commentaires sur L'Ancienne Coutume de Jersey* (17th century text) 1907Poingdestre, Jean. *Remarques et Animaduersions sur la Coustume Reformé de Normandie* MS Société Jersiaise Library

¹⁵⁴ O du C 1830's passim

¹⁵⁵Le Geyt, Philippe, 1847 *La Constitution, Les Lois et Les Usages de cette Ile*, (17th century text) Tome iv p116

acted only by tacit deputation in a similar vein to the *Greffier* acting on his own account to hold the court of the Fief d'Annville in lieu of the Bailiff and Jurats who were obliged to act themselves of old. Le Geyt also records that the *Vicomte* received the fines imposed on the *visite des eaux* but had to reimburse the Recepte des Revenus du Roy, the Receiver, for the costs of a meal given to the *voyeurs*. As Le Geyt notes, an irregularity! He comments on the *Vicomte* being referred to as the Juge des eaux et Forests as "une petite raillerie".

Poingdestre distinguishes between "eaues publiques" and "eaues particulieres"¹⁵⁶. The former he defines as navigable rivers and streams of any size which pass through a village or town and are used for the community for mills and the like, no-one is allowed to interfere with the water course to its detriment. The "eaux particulières" or private streams are for private usage, without interference within one's own land, though under Norman law the points of entry and exit of a stream in to land, or a fief, could not be moved. He adds a further definition that the private streams in Jersey are those down which the *Visite* does not pass. Those that are visited are public as far as the *Visite* extends and can be private up stream from there. Le Geyt¹⁵⁷ adds, under the title of de la Police de la ville de St Helier, that one must not keep a tannery on a public stream (sur le bord de l'eau publique). Just such an order was made by the Royal Court in 1615¹⁵⁸ when Jean le Grand was ordered not to keep a tannery on a public stream at the instigation of the Procureur du Roi. The Le Grand property was perhaps that noted above in Saint Peter's Valley which would confer "eaux publique" status on the valley stream.

Jersey Practice

In practice, jurisdiction of the watercourses largely fell within the domaine of the Royal Court though some *seigneurial* courts acted within the bounds of their fiefs. Le Moulin Débénairé was originally sited near the west end of town in what is now Sand Street. In the mid sixteenth century Pierre de Soulemont sold the mill to Estienne La Cloche who also purchased two *perches* of waste land near La Madeleine from the Royal Commissioners with the agreed purpose of moving the mill and keeping water flowing along the stream to the south-west of the town. Orders emanated from the Royal Court to La Cloche in 1562 and 1564¹⁵⁹ that he should clean the water course. Twice in 1577¹⁶⁰ de Soulemont, who had bought back the original mill, was ordered to allow water to flow in its ancient course along the south-west of the town, because the stream bed had become clogged with sand. The Royal Court ordered on the 14th November, 1579,¹⁶¹ that la Cloche should re-site the mill as originally agreed and compensate de Soulemont for his costs in restoring the old mill to working order. De Soulemont appealed! On the 19th September, 1584, the Court again ordered that de Soulemont should maintain a flow of water to the south-west of the town¹⁶². These court orders followed upon reports from the *Vicomte*.

¹⁵⁶ Poingdestre, Jean 1928 *Les Lois et Coutumes de L'Ile de Jersey*, (17th century text) 302

¹⁵⁷ Le Geyt, Philippe, *Privileges Loix & Coustumes de L'Isle de Jersey* 1953 (17th century text) p105

¹⁵⁸ 17th June, 1615 Ex28/365

¹⁵⁹ 1st Dec1562 Ex5/79 & 12th March 1563(1564) Ex6/40

¹⁶⁰ 16th March1576 (1577) Ex11/9 & 9th Oct 1577 C11/300

¹⁶¹ Ex12/31

¹⁶² Ex 14/35

In 1595¹⁶³ the troubles were further up stream when the *Vicomte* was ordered to ensure the owners cleaned and maintained the stream. Again in 1598, the Court ordered the *Vicomte* to ensure that no one broke the *bié* or the stream banks but that the adjacent owners maintain them to allow free passage of water through the meadows to de Soulemont's mill¹⁶⁴.

A separate act concerning rights of wreck on the foreshore explains the importance of the continuing flow of water to the south-west of the town¹⁶⁵. The argument concerned the limits of the Fief de la Fosse and it was recorded that the douet de Hauteville still flowed towards the Rocquier Estur but that the stream flowing passed the houses to the south of the town had been introduced to stop the sands from encroaching on the town, it was known as Le Douet de la Magdolaine (Madeleine). This water course came within the jurisdiction of the Royal Court but it was not perquage.

Six *Sermentés* (now equivalent to Constable's Officers in the Honorary Police) were sworn in for Saint Helier on the 7th September, 1560¹⁶⁶. They took oath for the good government of the parish as well as for the "cours des eaulx". Although the actual oath then given has not survived there was some interest in the water courses.

A Grouville stream had been removed from its ancient course in 1571¹⁶⁷. The Court ordered the *Vicomte* should attend and ensure that it was redirected to its ancient route. A similar order was made concerning a different stream in 1573¹⁶⁸.

Again in 1583 (1584)¹⁶⁹ the court ordered the *Vicomte* to attend to a matter concerning the stream in Saint Helier. A tannery had been established near La Maison de Billot and the *Vicomte* was to investigate to make sure that the water was not becoming polluted.

In 1587¹⁷⁰ Thomas and Drouet Amy and Jean Bertram were *en défaut* against the *Vicomte* who was actioning them to pay their contribution to the water fines (lamende des eaulx) in Grouville. The *Vicomte* was given power through the *prévôt* and the *connétable* to distrain upon their goods.

On the last day of April, 1589¹⁷¹, the Court recorded the inundations that had occurred to the meadows and adjacent roads in the parish of Saint Helier. These were attributed to the non cleaning of the *faux biés* and the refusal of some landowners to allow the *veüe et visite du Vicomte*. Because of the suffering and public inconvenience caused and considering that the *Vicomte*, of his office, was to maintain the water course (...les cours que ledit vicon a de son office a maintenir...) the Court ordered the *faux biés* be cleaned and that the *Vicomte* carry out his visits in the future as he did elsewhere (...en fera visite a ladvenir comme en ses aultres places ordinaires).

¹⁶³ 16th Aug 1595 Ex20/79

¹⁶⁴ 29th July 1598 Ex21/393

¹⁶⁵ Ex24/168

¹⁶⁶ Ex5/10

¹⁶⁷ 14th April 1571 Ex8/48

¹⁶⁸ 24th Oct 1573 C10/117

¹⁶⁹ 4th January 1583(1584) Ex13/241

¹⁷⁰ 23rd June 1587 Ex15/174

¹⁷¹ H5/239

On the 14th November, 1590,¹⁷² Philippe Lemprière, fils Hugh, of La Maison du Roulx, was ordered by the Court to repair his wall near the house of Pierre Le Riolley so that it did not fall and block the stream.

Helier Hamptonne of Ponterrin Mill had raised the dam of the mill pond such that the lands up stream were flooded in 1591¹⁷³. Philippe Romeril and Pierre Le Boutillier were allowed to proceed with their action and the officier (*Vicomte*) was to attend.

The following month in Saint Clement, the *Vicomte* was to attend on site where the *Sermentés des Chemins* reported that the water had been turned¹⁷⁴.

The Court again considered the Saint Helier meadows in 1603¹⁷⁵ and repeated the order of April 1589. On the 17th January, 1604(1605)¹⁷⁶, the same matter was again considered concerning the water courses, the cleaning of the *biés* and the *faux biés* in the meadows. The *Vicomte* was ordered to carry out his obligations and to clean below the planque de hauteville so that the water ran freely. The *Vicomte* was given power to seize goods of defaulters. An addition to the act extends it ".en tout cest Isle ou sestend cest charge".

In light of Le Geyt's views and comments concerning the *Vicomte's* participation in the *visite des eaux* these sixteenth and seventeenth-century acts can be regarded as a mediaeval or post mediaeval addition to the custom of Jersey. Whether this addition could be attributed to a general revision or updating of Jersey custom following upon the ready availability of published editions of the Coutume de Normandie from the late fifteenth century is a topic beyond the scope of this present work. In dismissing the *Vicomte's* involvement the resultant distinction between streams is that some are "publique" and some are "particulier". It is principally the "publique" streams that are lined with Crown mills and that were subject to a *Visite*. This *visite* in Norman law was by the *Vicomte* ; it is acknowledged that the Jersey Bailiff carried out the functions of a Norman *Vicomte*.

The streams on the Fief Haubert de Saint Ouen came within the jurisdiction of the Seigneurial Court. In June 1612, Philippe de Carteret, the *Seigneur*, was authorised by the seigneurial court and by the use of his *prévôt*, *sergent* or other court officers to stop anyone from diverting the stream from it's old course with the threat of a 20 franc fine. In June 1634 the *Seigneur*, at a court sitting, allowed Pierre Le Brun (fils Collas) to divert the mill stream (presumably Le Moulin de la Mare) on Saturdays, but on threat of a fine if he should do so on any other day! Daniel Touet was ordered to reinstate the stream in it's ancient course on threat of a fine in May 1637. The action was brought by Estienne Carrel and concerned the stream that separates the fiefs of Vingt Livres and Luce de Carteret. At the Court sitting of 12th August, 1669 Jean Le Sebirel and Philippe Bauche were both fined for having diverted the water course across the *seigneur's* lands without consent¹⁷⁷.

Guernsey

A comparable situation existed in Guernsey where the *Fief Le Roi* was of different origin. In Jersey the *Fief du Roi* was the remainder after the Crown had granted out fiefs; in Guernsey, the Island had

¹⁷² Ex17/177

¹⁷³ 24th July, 1591 Ex18/70

¹⁷⁴ 21st August, 1591 Ex18/76

¹⁷⁵ 28th April, 1603 H7/20

¹⁷⁶ H7/79

¹⁷⁷ Roles de la Cour Seigneurial du Fief Haubert de Saint Ouen, 12 Juin 1612; 11 Juin 1634; 10 Mai 1637 & 11 Août 1669.

been granted by Duke Richard II in 1020 half and half to the Vicomte of the Bessin and the Vicomte of the Cotentin. Through a complicated history the former became the fiefs le Comte and Saint Michel, and the latter in part became *Fief Le Roi* though other fiefs have since been added for various reasons¹⁷⁸.

A commentary on the Coutumier de Normandie from the Guernsey prospective was published in 1826 by Thomas Le Marchant¹⁷⁹. The *Prévôt du Roi* in virtue of his office was obliged to visit the water courses and to maintain them in their proper, ancient routes. However, if the *Prévôt* was challenged in his action then the case was referred to the Cour Supérieure and the Bailiff and the Jurats.

1309 Assize Roll

The perquages appear only in the documentary record from 1526 but they must have existed earlier. The evidence put forward above is indicative of their existence from earlier times and their continued survival on certain fiefs as commons.

The 1309 Assize Roll¹⁸⁰ records many instances of encroachments being made on the King's highway (...propresture de via regia) and on the King's common in ten of the twelve Jersey parishes. There are also instances in two parishes of encroachment of a different kind¹⁸¹. In both Grouville and Saint Helier there were encroachments on the King's water course "...obstruxit cursum aque".

In Saint Helier the obstructions were :-

William le Petit obstructed ij pied in width and vj perche in length
William of Rosel, junior likewise
William Aymer... ij pieds and viij perches
William le Petit of Rosel... ij pieds and v perches

In Grouville the obstructions were :-

Peter Desert... iv perches
Peter le Fevre... iv perches
Robert le Desvee likewise
Ralph Martyn... vi perches
Richard des Prés... iijperches
Gervaise le Desvee... iij perches
Richard le Desvee likewise
Richard le Hurtour... vi perches

These encroachments are in the same two parishes recorded by Le Geyt as being subject to the *Vicomte's* visit. The Le Petit family, of which three members appear to have fallen foul of the authorities in Saint Helier, were from Rozel though they also had property in Saint Helier. The family died out in the male line and the property passed to the de la Rocque family. One of the Le Petit

¹⁷⁸ Ewen, A. H. 1961 *The Fiefs of the Island of Guernsey*, Rep. & Tran. Soc. Guernesiaise

¹⁷⁹ Thomas Le Marchant 1826 *Remarques et Animadversions sur l'Approbation des Lois et Coustumier de Normandie...*

¹⁸⁰ *Rolls of the Assizes held in the Channel Islands 2 Edward II, 1309*. Société Jersiaise 1903 p252, 256, 271, 277, 285, 289, 294, 307, 313 & 316 and Common 257, 271, 277, 289, 295 & 307

¹⁸¹ loc. cit. p256-7 & 289

holdings was the Fief ès Verrans in Saint Helier and it was the Prés ès Verrans on that Fief which was noted above as adjoining the Saint Helier perquage. The obvious question - was one of the le Petits fined in 1309 for obstructing the King's water course or perquage?

Although certain streams were defined as "publique" what does this mean in an eleventh century context, what notion of "The Public" then existed? It was a feudal society and any property that was not granted was retained by the *Seigneur* or by the Crown within its own domains.

Although no indication of a width of a fourteenth-century King's water course is given they must have included more than just the stream bed. An encroachment onto the water course ii *pieds* in width for vi *perches* in length (1 foot 10 inches wide and 132 feet long) implies that more than the stream bed had been ploughed, an indication of a strip of land along the stream. Was it a *perche* wide?

A French Red Herring?

Under modern French law a riparian owner along a navigable river is subject by statute to certain servitudes. Along one bank of the river a "Chemin de Hallage" must be left: this is to be 7.80metres in width. The owner may not enclose his land within 9.75 metres on the "Hallage" side and 3.25 metres on the opposite bank¹⁸².

Prior to the metrication of measurements the old "Chemin de Hallage" was of twenty-four feet in width and no enclosure was allowed within 30 feet of the river or within ten feet on the opposite bank. These restrictions were servitudes on privately owned land. Their origin is to be found in an Ordonnance of Louis XIV of 1669 "le fait des Eaux et Forêts"¹⁸³. These twenty-four feet *chemins* can be seen on the Plan Cadastral of the Orne and on the modern survey map.

Earlier orders existed concerning the Seine and its tributaries. These relate to navigation and to the transport of merchandise to Paris. An Édit of François I of May 1520 required that the riparian owners suffered and maintained the "chemin de vingt quatre piedz de lé" along their property as of old, it summarises an earlier ordonnance of Charles VI¹⁸⁴:

chemin au long des bortz et rivaiges desdites rivières [the Seine and its tributaries], en quelque estat que les eaues soient, doibt estre de vingt quatre piez de lé, et les arches, gords, pertuys et tous autres passages estans sur lesdites rivières doyvent pareillement avoir vingt quatre piedz de lé.

The ordonnance of Charles VI, of February 1415, establishes Regulations for the *Prévôt des Marchands et échevins de Paris* and creates new related officers. Paragraphs 680 and 681 reflect the existence *de toute ancienneté* of these 24 feet *chemins* along the Seine and its tributaries and prohibit any encroachment or blockage on them¹⁸⁵.

Jersey was occupied by the French from 1461 to 1468. Pierre de Brézé, Comte de Maulevrier, Grand Sénéchal of Normandy, was appointed Seigneur des Iles. As Grand Sénéchal of Normandy, de Brézé had been involved in the reorganisation and the administration of the province following upon its reintegration into France after the defeat of the English at Formigny in 1450¹⁸⁶. Would it be

¹⁸² Code Domaine publique. Fluviale, Art. 15 to 22

¹⁸³ Ordonnance de Louis XIV, Roi de France et de Navarre, sur le fait des Eaux et Forests; donné à St Germain en Laye au mois d'Août 1669

¹⁸⁴ Ordonnances des Rois de France, Règne de François 1er 255, Mai 1520

¹⁸⁵ *Recueil Général des Anciennes Lois de France* t.IV, 1401-1437 Paris 1825 No626 p427-575

¹⁸⁶ Besnier, Robert *La Coutume de Normandie, Histoire Externe*,. 1935 87

possible for de Brézé to have introduced a formal, standardised width for the pre-existing Jersey water courses based on the servitude imposed on the riverains of the Seine?

This might seem an exaggeration of the effect locally of the French occupation, but its effects were long lasting. The origin, or at least the consolidation of an earlier origin, of the States of Jersey can be traced to the ordinances of de Brézé as can the practice of commuting outstanding *rentes* in kind due at Michaelmas to a money payment after the *Taxe des ventes* on Saint Lawrence day¹⁸⁷. Did de Brézé also reorganise the perquages and, in standardising their width, provide the name by which they were subsequently known?

No Latin version of "perquage" occurs in the documentary record. Does this suggest a post-Latin date for the origin of the word which is first found in 1526? Was the word coined in the late fifteenth century from "perque", the imposed width, and "-age" ¹⁸⁸ a suffix derived from the Latin but used in its own right? Evidence of such usage of "-age" can be seen in the word "bedelage", which is known only in Jersey. It has been shown to have appeared in the first half of the sixteenth century by the addition of "-age" to the term "bedel" a name erroneously used in Jersey since that time to describe a *sous-bordier*¹⁸⁹. "Perquage", as a post-Latin word, could then be interpreted as "something which has been fixed at one perche"¹⁹⁰

The survival of the Perquages

Large areas of central Jersey were granted out in Fief by Henry II (1154-1189) and Henry III (1216-1272), other grants were made to Abbeys. Not all these grants were out of the domain, some were regrants of earlier confiscated or forfeited fiefs.

The grant made by Henry III to Drouet de Barentin of the fiefs of Diélament, La Trinité and Saint Jean de la Hougue Boête are believed to have been new grants out of the Royal Domain, though the latter is unknown before the thirteenth century and could be a regrant. The first two ignore the perquage but the latter respects it, there are mills only on the Fief de la Trinité. Henry III also granted the Fief of Mëlèches. This is known to be largely a regrant and it respects the perquage, which became a Fief common, though the perquage here is isolated by the earlier grant to the Abbey of Saint Helier. De Barentin was also granted the Fief of Rozel by Henry III which again is known to be a regrant of an earlier holding. Again, the perquage is respected though de Barentin or his successors do appear to have acquired a mill on it. He was a powerful man locally perhaps not above usurping rights!

Henry II granted the Fief des Augrès out of, it is thought, the Royal domain. The Fief enjoys a mill and there is no perquage. He also granted Le Grand Moulin du Prieur (Le Moulin de la Ville) and Town Marsh to the Abbey of Saint Helier, this grant, if it included the perquage, would have cut the perquage. Further up stream, Le Moulin de Ponterrin was granted in the eleventh century by William the Conqueror, again isolating the perquage up stream which was subsequently ignored in the grant by Henry II to de Barentin.

Why should some grants respect the perquage and others ignore it? After the loss of Normandy the Island became a front line state in sight of the enemy shore and it is conceivable, if not probable, that a Royal grantor was more concerned with the preservation of the Island and a loyal grantee than with streams. Prior to that date milling may have been relatively more important, though the

¹⁸⁷ Prison Board Case No76 p163 et seq.

¹⁸⁸ i) collective belongings or aggregate of; ii) function, condition; iii) action; iv) fees payable for, cost of using. Oxford Dictionary, 1952.

¹⁸⁹ Aubin, op. cit.

¹⁹⁰ pers. com. Richard Coates, Professor of Linguistics at the University of Sussex, see footnote 138

circumstances prevailing at the time of any particular grant might be reflected in the terms of that grant. This topic is open to much speculation!

Another topic to be considered, though this again can be little more than speculation until further archaeological evidence is found, would be a change in mill type. Nearly all of the known water mills in Jersey had a vertical wheel and were fed by a water system based on mill ponds and leats. This involves damming a water supply and running a leat along the side of a valley to the mill site which itself is also usually on the side of the valley. The date at which this technology came into fashion locally is unknown. An acknowledged earlier mill type, much used in the Scandanavian world, is based upon a mill with a horizontal wheel. These mills sat in the valley floor, usually straddling the stream which flowed underneath them, and they were fed by a small dam and a short shute parallel with the main stream.

Could the demise of the perquage be a reflection of a shift in technology from valley floor horizontal mills to valley side vertical mills? Could this change in milling technology be reflected in Norman Law? It was necessary to have control of both banks to be able to build a mill - is this a reflection of the horizontal-wheeled mill sitting on the valley floor? It was also permitted to deviate a stream as long as its points of entry and exit to the property or Fief remained unaffected - is this a reflection of the vertical wheeled mill with its requirement of a mill pond and leat system set aside from the main stream?

Conclusion

The perquages were not sanctuary paths. There was no such thing as a sanctuary path. The myth equating sanctuary path to perquage and the consequential striking of a route from each parish church to the sea should now finally be laid to rest. The right of sanctuary existed and was well used, there was no need for special paths. This is not to say that a perquage was never part of the chosen route followed by a *forbani* from his place of sanctuary to a boat, but such was not the *raison d'être* of the perquage.

There were two main features shared by the perquage. i) They were subject to the *Visite des Chemins*. ii) The mills along the banks of the streams followed by the perquage were principally either Crown mills or owed *rente* to the Crown. From Norman and hence Jersey law it can be, and has been, shown that ownership and control of both banks of a stream were necessary for the right to build a mill though in the latter Crown consent was also required. Such streams controlled by a *Seigneur* were the *eaux particulières* which fell outside of the jurisdiction of the Royal Court and were not subject to the *Visite des Chemins*. Conversely, certain other streams were regarded as *eaux publiques*, these were visited by the Royal Court (*Visite des Chemins*) where the Jersey Bailiff carried out functions equivalent to those of a Norman *Vicomte*. In the fourteenth century the *eaux publiques* or "King's Water Courses" came within the jurisdiction of the Itinerant Justices. In the fifteenth century those that then still existed (not Vallée des Vaux *et al*; see *supra*) may have been standardised to twenty four *pieds perche* in width by de Brézé. Perhaps the name by which we know them today originated from this standardisation which has also added to the confusion as to their origin. In the sixteenth century they came within the jurisdiction of the Royal Court on the *Visite des Chemins* as perquage. In 1663 they were granted by Charles II to Edward de Carteret as one family's recognition of another's loyalty, devotion and service.

Acknowledgements

I would like to thank Doctor Warwick Rodwell, Professor Richard Coates and Mrs Marie-Louise Backhurst for reading and commenting on earlier drafts of this article. Special thanks must go to my wife not only for reading the article but for enduring computer widowhood during its writing! Special thanks and acknowledgement must also be given and made to Robin Cox for much time and

discussion of mills and perquage theories and for the generous assistance with references and details; and to Peter Bisson for the loan of many notes and plans prepared by his late father, S. W. Bisson. These last gentlemen sowed the seeds of doubt concerning sanctuary paths. The doubts, which grew with the research, have culminated in this article.

Abbreviations

RP: Registre Public des Contrats, Judicial Greffe.

C: Cour de Cattel, Judicial Greffe.

H: Cour d'Héritage, Judicial Greffe.

Ex: Cour du Samedi, Judicial Greffe.

Déc: Registre des Décrets, Judicial Greffe.

AR: Assise Roll (1299 and 1309).

AdesE: Actes des Etats, published by the Société Jersiaise.

JPN: Jersey Place Names.

1274: Extente published by the Société Jersiaise, 1877.

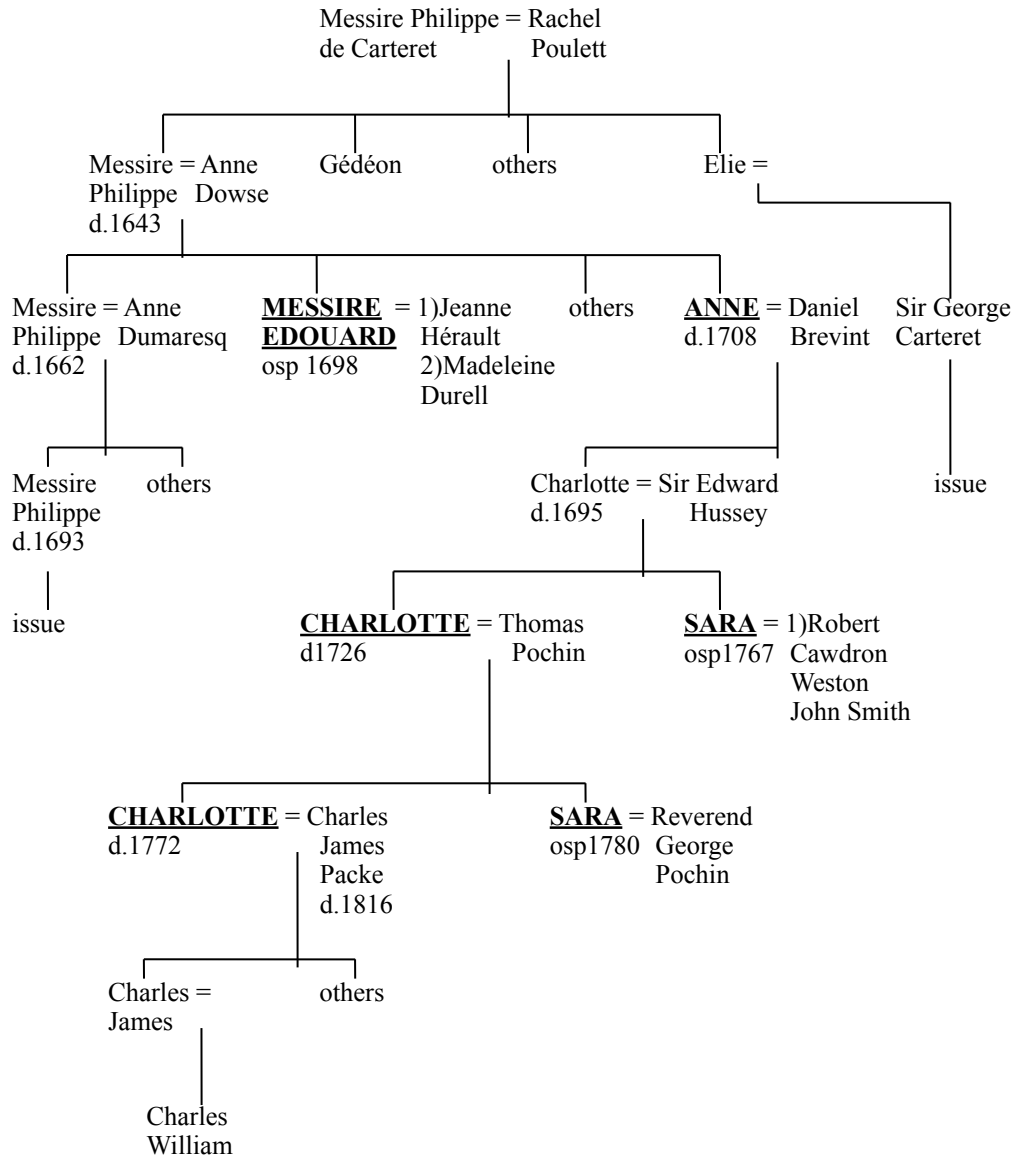
1331: Extente published by the Société Jersiaise, 1876.

1528: Extente published by the Société Jersiaise, 1881.

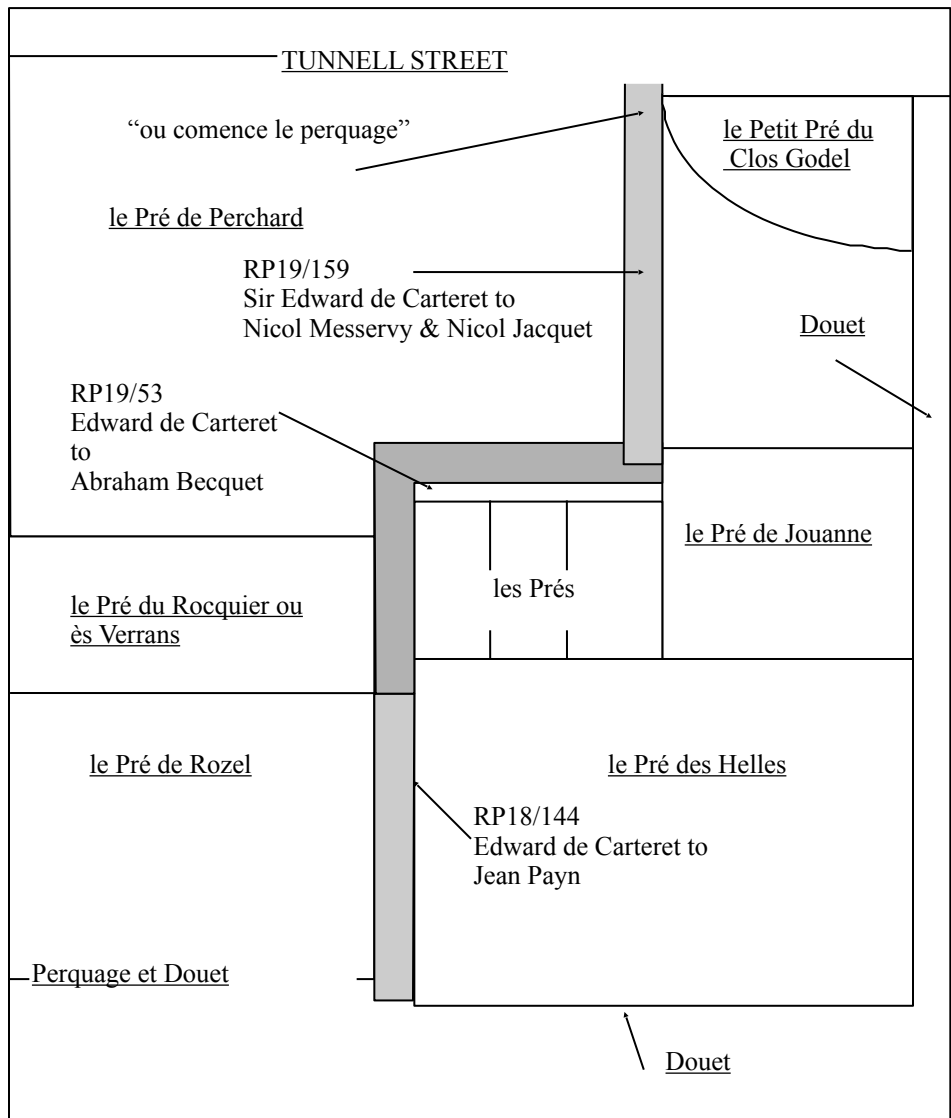
1607: Extente published by the Société Jersiaise, 1880.

1668: Extente published by the Société Jersiaise, 1882.

1749: Extente published by the Société Jersiaise, 1883.



Family Tree Showing Sir Edward de Carteret and his successors



Schematic Diagram of the Route of the Perquage through the Meadows to the North-East of Town (based on the Richmond Map)

Schematic representation of Perquage sales in Saint Catherine's Valley

RP17/254 14 Nov 1663	Edward de Carteret to Samuel Le Four
RP17/261 12 Nov 1663	Edward de Carteret to Jean Le Hardy, Senior Gent.
RP17/254 14 Nov 1663	Edward de Carteret to Thomas Baudains fils Jean

Public Road, La Croix

RP17/261 12 Nov 1663	Edward de Carteret to Jean Le Hardy, Senior Gent.
RP17/253 14 Nov 1663	Edward de Carteret to the heirs of Abraham Marie
RP17/253 12 Nov 1663	Edward de Carteret to David Bandinel

Fontaine à l'usage publique: La Fontaine Gallie

RP17/253 14 Nov 1663	Edward de Carteret to Thomas Le Manquais (crosses public road)
-------------------------	-------------------------------------------------------------------

La Commune du Fief à l'Abesse de Caen and Confluence with north stream

RP29/108 16 Jan 1713(4)	Charlotte & Sara Hussey to Elie Dumaresq, Gent., fils Elie fils Elie
RP17/253 30 Oct 1663	Edward de Carteret to Jean Mallet fils Philippe
RP17/253 14 Nov 1663	Edward de Carteret to Regnault Badier
RP18/157 29 Oct 1666	Edward de Carteret to the heirs of Sir Philippe de Carteret

Le Moulin de la Perrelle

RP17/312 8 July 1664	Edward de Carteret to Droet Godfray
-------------------------	-------------------------------------

Plein de la mer (the highest high tide mark)

Schematic representation of Perquage sales in Les Vaux

RP17/294 Edward de Carteret to Edouard de Carteret, Gent.,
20th Oct 1663 (Includes La Fontaine Bénite and La Fontaine de Bas)
RP19/11 Edward de Carteret to Elie Pipon
20th July 1667

(La Ruelle, separates the *Fief du Roi* & the Fief des XX Livres)

RP18/17 Edward de Carteret to Jean Balleine, fils Guille
1st Oct 1664

Grande Route

RP18/16 Edward de Carteret to Jean Le Marquand
14 Nov 1663
RP17/294 Edward de Carteret to Abraham Dumaesq (joint purchase)
14 Nov 1663
RP27/148 Anne de Carteret to Elizabeth Alexandre, fille Philippe
22 Feb 1700 (Madame Brévint)
RP17/294 Edward de Carteret to Jacques Dumaesq, fils Philippe (joint
14 Nov 1663 purchase)
RP17/255 Edward de Carteret to Mathieu Alexandre
6th Nov 1663
RP17/294 Edward de Carteret to Jacques Dumaesq, fils Philippe (joint
14 Nov 1663 purchase)
RP17/293 Edward de Carteret to Philippe du Val
14 Nov 1663
RP17/293 Edward de Carteret to Thomas Balleyne, fils Thomas & Pierre
14 Nov 1663 Becquet, fils Pierre

la Rue du Saut Falluet

RP21/79 Sir Edward de Carteret to Elie Grandin
2 Nov 1675
RP22/18 Sir Edward de Carteret to Thomas La Gerche
1st Sept 1677
RP17/255 Edward de Carteret to Mathieu Alexandre
6th Nov 1663
RP22/18 Sir Edward de Carteret to Brelade Alexandre
1st Sept 1677

le Pont de Brelade (le Pont Rose)

RP22/18 Sir Edward de Carteret to Brelade Alexandre
1st Sept 1677
RP17/294 Edward de Carteret to Nicollas Orange & Guille le Bas (jointly)
2 Nov 1663
RP22/89 Sir Edward de Carteret to Pierre le Brocq, fils Edouard
15 Sept 1677

le Pont Marquet

RP19/120	Edward de Carteret to Elie Valpy dit Janvrin
2 June 1666	
RP18/97	Edward de Carteret to Helier Maugier, fils Jean
9 Aug 1664	
RP17/294	Edward de Carteret to Abraham Jamet
19 Dec 1663	
RP17/295	Edward de Carteret to Jean Wealch
19 Dec 1663	
RP17/294	Edward de Carteret to Abraham Jamet
19 Dec 1663	
RP17/252	Edward de Carteret to Jean Trachy, fils Jean
6 Nov 1663	
RP29/133	Charlotte & Sara Hussey to Thomas Pipon
14 Dec 1713	
RP26/84	Sir Edward de Carteret to Jean Sealle
6 July 1695	
?	
RP18/175	Edward de Carteret to David Bandinel
20 July 1667	

La Grande Ecluse du Moulin d'Égoutpluie

RP19/159	Edward de Carteret to Susanne Dumaresq
18 June 1670	

(13 pieds wide strip to sea)

RP19/194	Sir Edward de Carteret to Parish of Saint Brelade
18 May 1670	

(11 pieds wide strip to sea)

RP26/31	Sir Edward de Carteret to Jean Le Cousteur
2 Nov 1694	
RP26/84	Sir Edward de Carteret to Jean Sealle
6 July 1695	
RP26/90	Sir Edward de Carteret to Jean Durell, Gent.
24 Feb 1695	
RP19/159	Edward de Carteret to Susanne Dumaresq
18 June 1670	(Le Moulin d'Égoutpluie, it is unclear if perquage existed)
RP22/82	Jacques Le Montais to Sir Edward de Carteret and
15 Aug 1678	Sir Edward de Carteret to Parish of Saint Brelade
[RP21/13	Sir Edward de Carteret to Jacques Le Montais
3 Oct 1674	East section]
RP21/79	Sir Edward de Carteret to Charles Hamelin
30 Oct 1675	
RP21/169	Sir Edward de Carteret to Charles Hamelin
15 June 1676	

THE SEA

Schematic representation of Perquage sales in Saint Peter's valley

RP 17/293 Edward de Carteret to Benjamin Lemprière
5th Dec 1663

1 Perche retained

RP 17/295 Edward de Carteret to William de Carteret, Nicollas Esnouf,
20th Oct 1663 Nicollas Renouf and Nicollas Malzard.

1 Perche retained

RP 17/247 Edward de Carteret to Josué de Carteret, Gent.,
19th Oct 1663

pont

RP17/293 Edward de Carteret to Aaron Regnaud
21st Nov 1663

ruette

RP 17/238 Edward de Carteret to Helier Hue junior.
21st Nov 1663

RP 18/18 Edward de Carteret to Aaron Journeaux
8th Oct 1664

pont

RP29/67 Anne Brevin to Phillipe Laell
12th Aug 1710

RP18/15 Edward de Carteret to Philippe Laell

28th Jan 1664 (5)

RP29/67 Anne Brevin to Phillipe Laell

12th Aug 1710

RP 30/3 Edward de Carteret to Elie Le Feuvre fils Philippe

26th Jan 1664 (5)

RP18/15 Edward de Carteret to Philippe Laell

28th Jan 1664 (5)

L'écluse du Moulin de Tostin

RP 30/3 Edward de Carteret to Elie Le Feuvre fils Philippe
26th Jan 1664 (5)

RP20/207 Sir Edward de Carteret to Raulin Robin

1st March 1672(3)

RP20/276 Sir Edward de Carteret to Elie Pipon, Gent.,

1st March 1672(3)

Le Chemin Public auprès de la Maison Jean Le Grand

L'*écluse* du Moulin de Gargatte

RP26/152 Sir Edward de Carteret to Josué Pipon and Susanne Pipon and
19th Sept 1696 Le Connétable & Procureur of Saint Peter

La planque de Gargatte

RP17/252 Edward de Carteret to Philippe de Carteret, Gent., d'octeur
6th Nov 1663 (sic) en medicine

La planque de l'oumel

not sold?

RP27/141 Anne Brevin to Jacques de la Rocque Tuteur of
23rd Aug 1701 the heirs of the late Pierre Hamptonne half each

RP27/141 Anne Brevin to Jean Hamptonne
23rd Aug 1701

L'*écluse* du Moulin de Quetteville

RP26/84 Sir Edward de Carteret to Jean Sealle
6th July 1695

6 perches à l'ouvert

RP17/247 Edward de Carteret to Josué de Carteret, Gent.,
19th Oct 1663

La planque du Moulin de Quetteville

Les Prés de Tesson granted to Sir George de Carteret with the mill in 1650 H11/235

No further sales but agreement between Edward de Carteret and interresés of the Commune or *Marais*
of Saint Laurent

RP20/207
1st March 1672(3)

and gift of Canal to Jean Durell by Sir Edward de Carteret
RP26/88
29th Jan 1685(6)

THE SEA