



Jersey Archive Information Leaflets

Understanding Contracts

General Information

Jersey recognises two kinds of property, movable and immovable. Movable property includes, money, shares, household goods and leases of land for a term of fewer than nine years. Immovable property concerns long-term leases of land, sale of land and sale of rentes that are chargeable on that land. Immovable property was transferred by contracts passed before the Royal Court.

Contracts can be useful when researching family, house and legal history. Contracts have always followed the same format and can be identified by searching for certain key phrases. This leaflet is designed to help the user identify the nature of a contract and to understand the details it contains.

Sir Walter Raleigh instituted registration of documents at the Public Registry in 1602. From this date all contracts of immovable property should, by law, be recorded in the registers of the public registry. We do know that some seventeenth-century contracts were not registered. Partages, which concern the division of land between heirs, were included in the registers, by law, from 1840 onwards. However partages before this date can be found in the registers. Wills concerning land and property were registered from 1851 onwards.

Rentes figure in most contracts. They constitute an annual payment charged on the land. Land could be leased for rentes and rentes themselves could be sold. Property was rarely sold outright until the nineteenth century; before this date it was generally leased in perpetuity for an annual payment of rente. Rentes usually consist of wheat but can be as varied as wax, chickens, eggs and money.

Identification of Contracts

The following example of a sale of a rente (vente de rente) shows the general layout of a contract. This is a format that exists from the earliest surviving fourteenth-century contracts to contracts passed in Court today.

The Contract will always start with a general salutation naming the Bailiff presiding at the Court and the current King/Queen:

A Tous ceux qui ces presentes lettres veront ou orront Bailiff or Lieutenant Bailiff's name and titles Bailly de L'Isle de Jersey sous notre souverain King/Queen's name and titles Salut en Dieu.

The next information contained in the document will be the **date** of the contract:

Sachent tous que l'an de grace Mille sept cent dix sept le trenteunieme jour d'aoust furent presentes en droit a St Helier

The document will then record the names of the parties; these people will actually be transferring the land or rente:

*Par devant nous **Sara Esnouf femme de Thomas Le Vesconte d'une part et Michel Le Vesconte d'autre part***

The document then goes on the record the activity taking place. It is here that you will find the keywords that will enable you to identify the type of contract in front of you:

*Laquelle Sara Esnouf en l'authorite de sondit Mary presentes **vendit a fin d'heritage** d'elle et de ses hers audit Michel Le Vesconte et pour ses hers...*

This sentence tells you which party (Sara Esnouf in this case) is selling and also the type of contract. The keywords **vendit à fin d'héritage** imply that this is a Vente/Sale. For identification of different keywords see **Types of Contract** at the end of this leaflet.

Contracts sometimes include lengthy recitals of previous transactions – if this is the case look down the document for the words **aujourd'hui** - once you have found these words you will find out what is being done in Court on that particular day. Recitals often include important information concerning previous transactions.

The document will then give details of the type/amount of rente/land being sold/leased/assigned. If land is involved in the transaction this could be quite a lengthy description:

...trois cabots et demy de froment de rente a recevoir a la St Michel prochaine...

The document will then give a list of the people from whom the rente is due to be paid, i.e. if Sara is selling rente to Michel – the rente must be being paid to her in the first place by a third person. Therefore there is often a list of names of people who did pay Sara rent – but will now pay the rente to Michel. A typical list may read;

Sur Philippe Vibert fils Pierre de la Paroisse de St Marie

Or

Un cabot sur Philippe Vibert fils Pierre de la Paroisse de St Marie, deux cabots sur Jean Le Vesconte fils Pierre de la Paroisse de Grouville

These lists can sometimes be very long if a significant amount of rente is being sold.

The next keywords that you are looking for will give you the price of the transaction:

Laditte vente hereditalle faite au prix de cent quatorze livres tournois vin et vente une fois payer

If the transaction is a bail à fin d'héritages then the price will always be in rentes and the keywords to look for will be:

Laditte baille hereditalle faite au prix de trois cabots et une sixtonnier de rente a recevoir a la St Michel prochaine.....(the list of names of people who are to pay the rente will follow)

The entire contract detailing the sale of a rente should read as follows, the important parts have been highlighted.

A Tous ceux qui ces presentes lettres veront ou orront Bailiff or Lieutenant Bailiff's name and titles Bailly de L'Isle de Jersey sous notre souverain King/Queen's name and titles Salut en Dieu. Sachent tous que l'an de grace Mille sept cent dix sept le trenteunieme jour d'aoust furent presentes en droit a St Helier Par devant nous Sara Esnouf femme de Thomas Le Vesconte d'une part et Michel Le Vesconte d'autre part. Laquelle Sara Esnouf en l'authorite de sondit Mary presentes vendit a fin d'heritage d'elle et de ses hers audit Michel Le Vesconte et pour ses hers trois cabots et demy de froment de rente a recevoir a la St Michel prochaine sur Philippe Vibert fils Pierre de la Paroisse de St Marie. Laditte vente hereditalle faite au prix de cent quatorze livres tournois vin et vente une fois payer de quelle somme ladite venderesse s'est tenuee payée et satisfaite, et estoit a ce presentes Foy Le Vesconte veuve de Jean Esnouf pere de ladite Sara Esnouf, ladite veuve promet de ne reclamer aucun douaire sur cete presente venditon , et s'obligea ladite venderesse pour elle et ses hers a la fourniture et garantie de ladite venditon sur tous ses biens meubles et heritage presentes et futurs et jurerent lesdits marier que jamais contre les premisses niron ne feront aller apeine de parjure et en special jura ladite femme que pour ce faire elle n'auroit été for cés par sondit mary mais quelle le fait son bon gre , A quoy les comdammes en les moïn de ce nous avons seëllé ces Lettres su Seau de notre Baillie presentes ace Elie Dumaresq, Philippe Dumaresq, Raulin Robin, Charles Poingdestre, Edouard de Carteret, James Corbet et Amice La Cloche Escuyer, Jurets du Roy

Signatures and Enregistrée en Decembre 1717

The year of grace 1717 the 31st day of August... Sara Esnouf wife of Thomas Le Vesconte of one part and Michel Le Vesconte of the other part...sells in perpetuity...3½ cabots of wheat of rente...the said sale is made for the price of 114 livres tournois...

Types of Contract

There are many different types of contracts in Jersey. The following contracts are among the most common.

Assignment

The assignment of an immovable property (land/rente) between two parties that involves no consideration/sum of money/rente. Includes the keywords **Assign à fin d'héritage**.

Bail à fin d'héritage

Lease in perpetuity. One of the most common contracts for the transfer of property prior to the nineteenth century. The lease of the land would be exchanged for a certain amount of rente to be paid yearly. The keywords in identifying this document are, **bailla ceda et delessa affin d'héritage**. The land to be leased is then specified and the amount of rente to be paid.

Bail et Vente

These contracts become increasingly common in land transactions after the eighteenth century. The sale will always be for a sum of money and a sum of rente. They will always include the keywords **Bail et Vente**.

Partage des Heritages

A contract of division of real estate between co-heirs. Partages are easy to identify firstly by the relationship between the two (or more) parties, e.g. the son and son in law of Pierre Bertram. Secondly the keywords **parties d'héritage** appear in the contract.

Resignation

Records the resignation of all rights to a piece of land or rente. The keywords used in this type of contract are; **resigna quitta ceda et delaisa à fin et perpetuite d'héritage**. The contract will record the right that the resigning party has to the land, and then the amount that party will be paid for the resignation by the second party.

Retrait

It was possible to repossess real property (either rentes or land) when the consideration was paid wholly or partly in cash. The repossessor of the property had to repay the full consideration and also costs.

- **Retrait Lignager**: repossessed by a relative to the 7th degree
- **Retrait Féodal**: repossessed by the Seigneur of the Fief on which the property stood

Vente/Sale of Land for Money

A straightforward sale of a piece of land for a cash sum. It would appear that these sales were comparatively rare before the nineteenth century. These documents include the keywords; **vendit quitta ceda et delessa affin d'heritage**, indicating a sale, then a description of the land to be sold would follow.

Vente de Rente

Sale of a rente for money. Identified by the keywords **vendit quitta ceda et delessa affin d'heritage**, which would be followed by the amount of rente being sold.

Useful words and phrases

Audit – to the said

Bordant – borders with

Chevallier - Sir

Contre - against

Defunte - deceased

Douaire – widows dower

Feu – the late (du feu)

Franc – free, exempt

Jointures – all joinings to other properties

Meneur – guardian of children (later **tuteur**)

Mitoyennete – co-ownership (e.g. of wall)

Orge – barley

Pieds perches – Jersey measurements

Pieds imperial/du roi – Imperial feet

Possession

Quadranaire – 40 years good title

Procureur – attorney

Procureur du Bien Public – attorney for the public good (usually parish officials)

Sequestre - trustees

Veuve – widow

Vice cachés – hidden defects in a property

The purpose of the Jersey Archive is to identify, select, collect, manage, preserve and provide access to the Island's on behalf of the whole community, promoting Jersey's culture, heritage and sense of place, both within its shores and beyond.

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The Reading Room and Help Desk are closed between 1-2pm
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