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SHORTER ARTICLES AND NOTES
A NOTE ON GUILLAUME TERRIEN AND HIS WORK

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The Commentaries

1 In 1574 there appeared for the first time Guillaume Terrien's *Commentaires du Droict Civil tant public que privé, observé au pays & Duché de Normandie*. It is a substantial work, covering some 765 pages of near foolscap-folio sized paper in total, inclusive of indices. It must have met with some success because it was re-printed in 1578 and then again, intriguingly, in 1654, fully 71 years after the *coutume* upon which Terrien had been commenting had itself been reformed comprehensively.

2 Terrien's work has, of course, special significance for the Channel Islands. Guernsey is particularly linked to Terrien *via* an Order in Council of 1583 giving force of law to a document known as "*L'Approbation*" prepared by the Bailiff and Jurats which literally worked through the commentaries saying what was and was not good in Guernsey law and how Guernsey law differed.¹ Terrien is also important for Jersey customary law without ever quite having been elevated to the same status as an Order in Council, even if only by proxy and only in part.

Little known facts

3 There are many interesting facts about Terrien's work which deserve to be more widely known, although admittedly the audience for his work is somewhat limited in this day and age. For example, each of the three impressions (or editions; they are not really new *editions* as we would understand the word) is very slightly different, not in substance but in form. There are subtle typesetting changes ranging from artwork to how words are abbreviated to where lines break and so on. The page references remain the same and nothing truly important changes; but it begs the question why the book should have been re-set three times, perhaps the blocks simply did not survive, which would seem odd for the second edition at least.

4 There were two authors of Terrien. I can sense the shock as I type those words; although again I doubt that it is going to make the headlines, not even locally. Terrien's own work comprised the selecting of texts from the *Grand Coutumier*, putting them into an order which suited his scheme (even to the point of cutting and pasting quite disparate texts) and then commenting on the resulting amalgam. To this commentary a further

¹ At least it purported to do so. Thomas Le Marchant criticised *L'Approbation* severely in his *Remarques et Animadversions sur l'Approbation des Loix et Coutumier de Guernesey*. Le Marchant died in 1714.

author added notes headed “*Additio*”, more often than not in Latin. The precise identity of this later author or editor is unknown.

Sources

5 The range of Terrien’s sources is also extremely broad, spanning the Old and New Testaments, Royal Ordinances, Roman jurists, Roman law, contemporary legal authors, contemporary lawyers, judgments of the Court of Exchequer and, of course, the 13th century *Grand coutumier* itself. All are treated as authoritative sources, with the result that Guernsey and Jersey customary law are also indirectly suffused with the same multiple sources, whether pre- or post-dating 1204² and the initial separation of the Islands from continental Normandy. It is clear that the political separation of 1204 did not entail fundamental cultural separation, law being a lasting and tangible proof of this statement.

Reformed customary law

6 It seems a fair assumption to make that Terrien’s work would have had a profound influence on the redactors of the *Coutume reformée* working in the years following the publication of his work. His work is also regularly cited by later commentators of the reformed customary law. Terrien remained an authority in continental Normandy until the end of continental Norman customary law itself.³

7 Apart from the purely provincial,⁴ Terrien’s publisher, Jaques (*sic*) du Puys, considered the work to be of general usefulness throughout the kingdom. He was ambitious and enthusiastic for Terrien’s work. The title-page included the sub-title:

“*Très nécessaires & requis non seulement aux Iuges, Iuriconsultes & Practiciens dudict Duché, ains̄ aussi à tous ceux des autres provinces & ressorts de ce Royaume*”.⁶

8 This again suggests either an intended or perceived desire to address not just Norman customary law exclusively. It may be that Terrien was concerned only with “Norman” law in its widest sense (*i.e.* not purely customary) and that du Puys saw an opportunity to promote the book as being useful throughout the kingdom.

Terrien the man

² *I.e.* King John’s loss of Normandy to King Philippe-Auguste, the *Commise*.

³ *I.e.* until 1804 and the publication of the *Code civil*, although the death knell had been sounded in 1789, and the death itself was prolonged until the last individuals died whose inter-relationships were still regulated by the *ancien droit*. See Corinne Bléry’s paper in *Commise 1204, Studies in the History and Law of Continental and Insular Normandy* published by the Guernsey Bar in 2005.

⁴ And customary law was, by definition, provincial; albeit some customs had greater influence than others, notably the *coutume* of Paris.

⁵ Can mean “before”, *i.e.* the modern French *avant* or, as here, “but”, *i.e.* the modern *mais* or “on the contrary” - *au contraire*.

⁶ “Essential and required not only for Judges, Jurists and Practitioners of the said Duchy, but also all those of other provinces and jurisdictions of this Kingdom.”

9 My principal purpose in this note, however, is to say something of the man himself, Guillaume Terrien. Unlike a later figure such as, say, Pothier⁷ we know comparatively little about Terrien. At the most basic of levels his name is a French word. As an adjective it would denote “terrestrial” (*terrien*) as opposed to “celestial” (*céleste*). As a noun it would signify a landowner. Nicot’s *Thresor de la langue française* of 1606 illustrates the use of the word *terrien* as follows: “*Un homme qui est grand terrien (sic), qui a plusieurs terres et possessions*”. The first edition of the *Dictionnaire de l’Académie française* (1694) defines *terrien* as -

“*Qui possede beaucoup de terres, qui est Seigneur de plusieurs terres. Il n'a guere d'usage que dans cette phrase. Grand terrien. Ce Prince est un grand terrien, un des plus grands terriens du monde.*”

10 It may perhaps seem rather naïve to adopt the literal definition of a surname as saying something about its owner; but when one is considering the 16th century the exercise has a little more meaning. In fact it seems likely that Terrien did come from a reasonably substantial family judging by the material available to us. First there is the evidence contained within the *Commentaires* themselves. The title-page tells us (and there is no reason to doubt) that he was *Lieutenant General* of the Bailiwick of Dieppe, in other words a reasonably senior figure in the administration of that district. He had died prior to the date of the first publication of the *Commentaires* in 1574. Jacques du Puys tells the story of the work in his dedication to Jaques de Bauquemare, Seigneur of Bourdeny, Chevalier, Privy Councillor and First President of the Court of the Parlement of Rouen. It was the heirs of Terrien who had sent the text to du Puys. Terrien had written or concluded the work shortly before his death. It was du Puys who (not being a lawyer himself) had sought the opinion of experts who commended the work to him - with the result that it was published without further ado or delay.

Le Verdier’s paper

11 Monsieur P Le Verdier, Docteur en Droit, Président de la Société de l’Histoire de Normandie, wrote a paper for a Semaine de Droit Normand held in June 1929 entitled *Quelques notes biographiques sur Guillaume Terrien*.⁸ It seems that M. Le Verdier had made a detailed study of such public records as survived and concluded that he was born at some time between 1510 and 1520.⁹ Le Verdier places his death in either 1573 or 1574. It appears that he was certainly still alive in 1573 from records concerning the Rouen Cathedral Chapter. Le Verdier suggests that he died only a matter of months before publication of the *Commentaires* but that -

⁷ 1699 - 1772

⁸ Le Verdier, *Quelques notes biographiques sur Guillaume Terrien, Sem. Dr. normand*, 1929 C.R.,R.H.D., 1930. With thanks to Dr Darryl Ogier for procuring me a copy of this article.

⁹ Citing Terrien’s signature in 1549 at the end of a judgment of the lieutenant of the bailiwick of Caux where he appears to have been discharging the duties of the *procureur du roi*.

“Ce livre, si considérable et d'une si haute érudition, ne peut être que l'œuvre d'un grand nombre d'années ...”

Which translates as follows -

“This book, so considerable and of such high erudition, could only have been the work of a great number of years ...”

12 This seems a fair inference from the 765 pages of the text itself; although it is followed by the speculation that he died not very old, which itself depends upon his rather speculative dating of Terrien's birth. Le Verdier also deduced from various documents that Terrien was married to a woman called Huguette and buried “*devant la Vierge, en l'église de Saint-Rémy*”, *i.e.* before the Virgin in the church of Saint-Rémy.¹⁰ No inscription had survived, however, even as at 1929, when Le Verdier was writing.

13 Terrien was both an advocate and a magistrate. Le Verdier found references to Terrien in documents from the 1560s. He appears to have been retained in some way by the Rouen Cathedral Chapter. Indeed the Archbishop of Rouen was the temporal lord of the town of Rouen, and it seems that Terrien's office as *Lieutenant Général* was a seigneurial office. An earlier judicial office was also linked to the Chapter and seems to have been inherited from a Jean Terrien, most likely Guillaume's father. Indeed there was an earlier Guillaume Terrien, active in the second half of the 15th century, who is likely to have been Terrien's grandfather. There is evidence for a later Guillaume Terrien, possibly a grandson. In any event it seems that our Guillaume Terrien was a member of a legal family.

14 Perhaps most exciting of all is the fact that Le Verdier includes a facsimile of Guillaume Terrien's signature as found on documents dated 1549 and 1560.

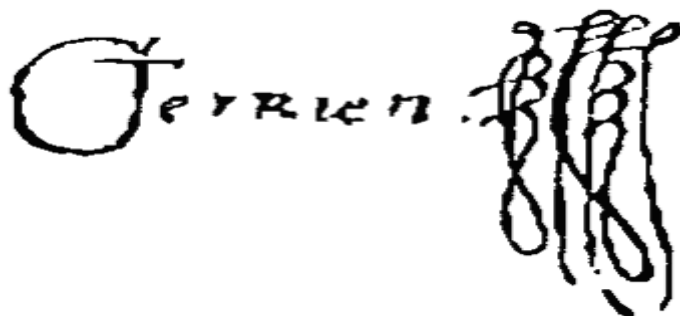
A facsimile of a handwritten signature in black ink. The name 'Terrien' is written in a cursive script. The 'T' is large and has a long horizontal stroke that extends to the right, underlining the rest of the name. The 'e' and 'r' are connected, and the 'i' and 'e' are also connected. The 'n' is written with a long, vertical stroke that loops back to the left. The signature is followed by a period and a flourish consisting of several vertical, overlapping strokes.

Fig. Terrien's signature, as it appears in Le Verdier's paper.

¹⁰ The Church is in Dieppe and still stands. The current church was built between 1522 and 1640, *i.e.* during the course of Terrien's life and beyond.

The intertwining of the G and the T into a single initial letter is striking; as is the elaborate conclusion. Le Verdier is quick to concede the relative poverty of his research, but it is a great deal better than the little or nothing which the *Commentaires* tell us.

Terrien online

15 It is a remarkable and wonderful thing that the four Channel Island jurisdictions of Alderney, Guernsey, Jersey and Sark should still treat as authoritative a work first published 433 years ago; a work which was itself commenting (at least in part) on law first collated some 330 years or more before even that time. The use of his work is a hallmark of Channel Island law, a distinguishing feature to be treasured as contributing to the identity of the Bailiwicks.

16 It is therefore appropriate and very much to be welcomed, that the Jersey Legal Information Board has made a photographic copy of Terrien's text available freely online at <http://www.jerseylaw.je/Publications/Library/Customary.aspx> together with a transcription of the table of contents. It would be wonderful to bring Terrien back to life in order to show him the enduring nature of his achievement and how his work can now be viewed in every corner of the globe where there is a computer linked to the internet. He would surely be amazed and delighted. I wonder what he would have made of modern law and, in particular, its quantity, complexity and relative inaccessibility to the ordinary person (any person quite frankly). Not very much I suspect.

Gordon Dawes is an advocate and partner of Ozannes, Guernsey, and author of Laws of Guernsey, (Hart Publishing 2003). He is also responsible for the forthcoming publication of a facsimile of the 1574 edition of Commentaires du Droict Civil tant public que privé, observé au pays & Duché de Normandie, par Maistre Guillaume Terrien, together with new introductory materials, from which the above article is derived

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