

Clameur de Haro (4.6.0.L10)

Sunday, 08 April 2007

LOCAL INFORMATION

4.6.0.L10

Clameur de Haro

Extent: Jersey

March 1995

What is it

1 An ancient form of immediate injunction, having it's origins in Norman Law, but still effective in Jersey

When can it be used

2 It can be lawfully raised in cases where someone who is in possession of land is having that possession disturbed or interfered with by some specific and visible wrongful act.

How is it raised

3 The Clameur is raised by the aggrieved party, known as the "criant", going down on one knee on the threatened property and, bareheaded, hands clasped, and in the presence of two witnesses, saying in the hearing of the alleged wrongdoer: "Haro! Haro! Haro!, A l'aide mon Prince, on me fait tort" (Haro, Haro, Haro, Come to my aid, my Prince, I am being wronged).

What happens then

4 The alleged wrongdoer must immediately cease his actions until the Royal Court has decided whether or not the Clameur has been correctly raised. If he does not stop, he is liable to be fined, even if the Court eventually finds in his favour.

What if the Clameur is raised wrongfully

5 Anyone thinking of raising the Clameur must be sure of her/his grounds, as a person who raises the Clameur wrongfully is liable to a fine.

Advisability of legal advice

6 It would be advisable to refer a client thinking of raising the Clameur to legal aid (or their own lawyer) for legal advice.