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IN THE ROYAL COURT OF JERSEY

(INFERIOR NUMBER)

BEFORE: MR. V.A. TOMES, DEPUTY BAILIFF

JURAT M.G. LUCAS

JURAT P.G. BAKER

IN THE MATTER OF THE REPRESENTATION OF JL

THE SUPERINTENDENT REGISTRAR AND

THE REGISTRAR OF THE PARISH OF ST. HELIER, CONVENED.

ADVOCATE R.A. FALLE FOR REPRESENTOR

ADVOCATE MISS S.C. NICOLLE FOR SUPERINTENDENT REGISTRAR

ADVOCATE C.R. DE J. RENOUF FOR THE REGISTRAR OF ST. HELIER

The Representor was born JS September, 1944, at Whitchurch, County of Shropshire, England; on the 6th January, 1975, she was married in England to A ; she was divorced from A on the 21st June, 1983, and a decree absolute was granted by the Matrimonial Causes Division of this Court on that date; by Deed Poll dated the 23rd January, 1986, the Representor assumed the name of JL the Deed Poll was registered in the Rolls of this Court by Act of the 28th January, 1986, and was also registered in the "Registre Public".

On the 20th April, 1986, the Representor gave birth to a female child, whose birth she wishes to have registered under the forenames of L, K, W and the surname of L

The Representor complains that the Superintendent Registrar and/or the Registrar of the Parish of St. Helier wrongly decline to register the birth other than in the name of her maiden surname S ; that the surname S was for all purposes abandoned by her as a consequence of the assumption of the surname L by the Deed Poll; that the surname L is the name by which she chose to be known for all purposes and that she verily believes and has been advised that her child should be registered in that name; and that it would cause unnecessary confusion, potential embarrassment and suffering to her child if her birth were to be registered in the name of S.

We are asked by the Representor to direct the Superintendent Registrar and the Registrar of the Parish of St. Helier ("the Registrar") to register the birth of her child under the name of L, K, W L and, if necessary, to rectify the Deed Poll to the extent that the abandonment by the Representor of the surname S as well as L be deemed included therein.

The two parties convened filed Answers in substantially the same terms. They both aver that Article 8 of the "Loi (1842) sur l'Etat Civil" ("the Law") provides that every Registrar shall inform himself of every birth which takes place in his parish and obtain and register certain information in conformity with Form A set out in the Law; that Form A, requires the registration of the birth to state, inter alia, the "nom de famille et prénom de la mère"; that the "nom de famille" of the Representor at the time of the birth of the child on the 20th April, 1986, was S ; that the name of S was not abandoned by the Deed Poll; that if a mother is unmarried at the date of birth of a child the surname of the child will be that of the "nom de famille", that is the maiden name of the mother; that the birth cannot be registered in conformity with the Law other than by entering on the said Form A the name of S ; and that if the Registrar were to register the birth under the name of L as requested by the Representor he would be failing to comply with the Law.

The Registrar further pleaded that he believed that the Representor and the father of the child intended to marry and that the surname of the father of the child is L . The Superintendent Registrar pleaded that the Representor had informed him that she and the father of the child intended to marry as soon as he was free to do so. Both parties convened further plead that Article 17A of the Law provides that on the joint request of the mother and the natural father the child may be registered as the illegitimate child of the mother and the natural father and Article 17B of the Law provides that if the mother and the natural father of an illegitimate child marry, they may, and if the name of the father has been included in the original registration he, and failing him the mother, shall, make a declaration to the Superintendent Registrar setting out details of the birth and the marriage and (if there has been no prior acknowledgment of paternity) acknowledging paternity, upon receipt of which the Superintendent Registrar shall cause the birth of the child to be re-registered as if it had been born legitimate. Thus, both parties convened aver, the child can, as a result of the marriage of the Representor to the father of the child, be re-registered as the legitimate child of the Representor and the father, thus obviating the potential confusion, embarrassment and suffering envisaged by the Representor.

We must say at once that we cannot be concerned with any confusion, embarrassment and suffering which may result from a proper application of the Law - that is a matter for the legislature; our task is to interpret and apply the Law as we find it. However, to some extent, events have overtaken us; since the pleadings were entered, the father of the child, Mr. L has become free to marry and the Representor and Mr. L have been married. What we have to decide, therefore, is firstly, the narrow point whether the birth of the child of the Representor has to be registered in the name of S or whether it can, by virtue of the Deed Poll, be registered in the name of L and secondly, what directions we should give for the registration to be effected.

The Superintendent Registrar further pleads that the Law does not confer upon him either a duty or a power to register a birth; he has not declined to register the birth as alleged by the Representor for he cannot decline to do that which he has no power to do. Moreover, he has no power to direct the Registrar what to do. Accordingly, he requests that he be discharged from the action. Mr. Falle opposes the request on the grounds that the Superintendent Registrar has a supervisory function to perform and encouraged, and possibly persuaded, the Registrar to act as he did. Moreover, that under Article 11 of the Law, once twenty-one days from the date of the birth had elapsed, only the Superintendent Registrar could register the birth, and that he also has functions to perform until Article 17B of the Law, which will now apply.

It is necessary for us to consider the relevant Articles of the Law and Form A thereunder, and insofar as Article 8 and Form A are concerned, both in their original and in their amended form.

Article 8 of the Law, as originally enacted, (Tome I, 1771-1850, p.279) was in the following terms:-

"Chaque Enregistreur sera tenu de s'informer soigneusement de toute naissance qui aura lieu dans sa paroisse, et d'obtenir, et d'enregistrer, le plus tôt qu'il sera possible dans le Registre des Naissances, les particularités qui doivent être enregistreés conformément à la formule A, et ce sans honoraires; mais le nom du père d'un enfant illégitime ne pourra être enregistré ....."

Formule A, at p.314, required the following: "No. Date de la Naissance. Prénom, s'il en a. Sexe. Nom et prénom du père. Nom et prénom de la mère. Etat ou profession du père; signature, description, et domicile de l'informateur. Date de l'enregistrement. Signature de l'Enregistreur Nom de Baptême, s'il a été ajouté après l'inscription de naissance."

Article 8 and Formule A were amended by the "Loi (1950) (Amendement No. 5) sur l'Etat Civil", (Tome 1949 - 1950 p.605), the principal purposes of which were to provide for a separate register of still-births and to enable the registration of illegitimate births with acknowledgment of paternity and subsequent re-registration upon legitimation per subsequens matrimonium.

The relevant part of paragraph (1) of Article 8, in its amended, and present, form, provides as follows:-

"(1) Chaque Enregistreur sera tenu de s'informer soigneusement de toute naissance qui aura lieu dans sa paroisse, et d'obtenir et d'enregistrer, le plus tôt qu'il lui sera possible et sans honoraires, les circonstances qui doivent être enregistrés -

(a) dans le cas d'un enfant né vivant, conformément à la Formule A".

Articles 11 and 12 of the Law (Tomes I to III p.89) provide as follows:-

Article 11

"La naissance d'un enfant qui n'aura pas été enregistrée dans les vingt-et-un jours pourra l'être dans les six mois de la naissance, pourvu que le père, la mère, le tuteur, ou quelque personne présente à l'accouchement fassé en présence de l'Enregistreur-Superintendent et de l'Enregistreur de la paroisse une déclaration solennelle, du meilleur de leur connaissance, des particularités qui doivent être portées dans l'Acte de naissance, et alors l'Enregistreur enregistrera cette naissance en présence de l'Enregistreur-Surintendant et tous deux signeront l'inscription, sans quoi elle ne pourra faire preuve. Celui qui requerra l'enregistrement paiera à l'Enregistreur-Surintendant deux chelins six pennys et à l'Enregistreur cinq chelins pour honoraires, à moins que la négligence de ce dernier n'ait causé le délai."

Article 12

"Dans le cas où une naissance n'aura pas été dûment enregistrée dans les vingt-et-un jours après ladite naissance, le père ou la mère de tout enfant né dans cette Ile, toute personne qui aura assisté à l'accouchement, et la personne qui aura la garde de l'enfant, qu'ils aient été poursuivis en vertu de l'article 9 ou non, seront tenus, lorsqu'ils en seront requis par l'Enregistreur Surintendant, en tout temps après l'expiration desdits vingt-et-un jours de l'informer, du meilleur de leur connaissance, de toutes les circonstances de telle naissance qui doivent être enregistrées et ce sous peine d'une amende n'excédant pas dix livres sterling. Si l'information requise n'est pas fournie à l'Enregistreur Surintendant celui-ci de son chef fera enregistrer la naissance avec les particularités à ce sujet qu'il aura pu recueillir."

Articles 17A and 17B were inserted in the Law by the Loi (1950) (Amendement No. 5) sur l'Etat Civil, ("the 1950 Law") and the relevant parts provide as follows:-

Article 17A

"(1) Le père d'un enfant illégitime ne sera pas tenu de fournir les renseignements exigés par la présente Loi concernant la naissance dudit enfant.

(2) Lorsque la naissance d'un enfant illégitime sera enregistrée, aucun nom ne sera inscrit comme étant celui du père de l'enfant à moins que ce ne soit sur la demande faite conjointement par la mère et par l'individu qui se déclare être le père de l'enfant, et dans ce cas la naissance de l'enfant sera inscrite comme celle d'un enfant illégitime dudit individu et de la mère, et, de plus, ledit individu et ladite mère devront opposer leur nom ou leur merche à l'inscription de ladite naissance en présence dudit Enregistreur, qui la contresignera."

Article 17(B)

(1) Les dispositions de cet Article s'appliqueront dans tous les cas où, suivant les lois et coutumes de ce bailliage, un enfant peut être légitimé par le mariage de sa mère et de son père.

(2) Lors du mariage du père et de la mère d'un enfant né illégitime, ou en tout temps après ledit mariage, lesdits père et mère pourront faire une déclaration -

(a) énoncant les détails de la naissance dudit enfant tels qu'ils auront été inscrits sur le Registre des Naissances;

(b) énoncant les détails de leur mariage, tels qu'ils auront été inscrits sur le Registre des Mariages;

(c) contenant une reconnaissance suffisante de paternité, à défaut de reconnaissance antérieure suivant l'Article 17A(2) de la présente Loi.

(3) Si le père et la mère d'un enfant dont la paternité a été reconnue suivant l'Article 17A(2) de la présente Loi se marient, il sera le devoir du père, ou, à défaut du père, de la mère, dans les trois mois suivant la date du mariage, de faire la déclaration mentionnée à l'alinéa (2) de cet Article, sous peine d'une amende n'excédant pas une livre pour chaque jour que dure la contravention.....

(7) La déclaration faite, l'Enregistreur Surintendant fera enregistrer de nouveau la naissance de l'enfant de la même manière qu'elle aurait été enregistrée si l'enfant était né légitime, et fera mention de la déclaration et de cet enregistrement sur l'inscription originelle de la naissance et sur la copie à garder en

vertu de la présente Loi."

We consider first the position of the Superintendent Registrar. The child of the Representor was born on the 20th April, 1986. The Registrar had sole jurisdiction to register the birth for a period of twenty-one days, that is to say until the 11th May, 1986. The Representation was presented to the Court on the 2nd May, 1986. The Court ordered that the Representation be served on the Superintendent Registrar and the Registrar and that they be convened to appear before the Court on the 16th May, 1986. A copy of the Representation was served on the Superintendent Registrar on the 8th May, 1986. In those circumstances we are not impressed by the argument, advanced by Mr. Falle, that the Superintendent Registrar should not be discharged as he had a role to play. Counsel chose to argue the case on the facts contained in the pleadings and we were deprived of the benefit of hearing the evidence. But we have no doubt that the Superintendent Registrar, once served with a copy of the Representation, considered himself estopped from taking any steps in the matter of the registration of the birth. Otherwise, he was in possession, via the Registrar, of all the particulars necessary to effect registration. And after twenty-one days had expired, it would have been open to him, under the provisions of Article 12, to seek the co-operation of the Representor and, in default of that co-operation, to have caused the registration to be made. We repeat the final sentence of Article 12:

"Si l'information requise n'est pas fournie à l'Enregistreur Surintendant celui-ci de son chef fera enregistrer la naissance avec les particularités à ce sujet qu'il aura pu receuillir."

Of course, the registration would have been in the name of S . The functions of the Superintendent Registrar under Article 17B arise only after registration has been effected under either Article 8 or Article 17A.

Accordingly, we have no hesitation in discharging the Superintendent Registrar from the action. We order that the Representor shall pay his costs, such costs, in default of agreement, to be taxed.

We now turn to the crux of this action, the question whether the "nom de famille" of the Representor was, at the relevant time, the 20th April, 1986, S or L .

In this connection we consider, firstly, the matter of the Deed Poll. It is said that the use of surnames was first introduced about the time of the Norman Conquest and was not commonly adopted until the close of the 14th century. We agree with Mr. Falle that they are in effect "labels". Because in the first instance surnames were arbitrarily assumed there was never any doubt that they could be changed at pleasure.

In Halsbury's Laws of England 4th Edition. Volume 35 paras. 1180-1200 we find this:

"The declaration of a person's intention to change his name may be evidenced by a deed poll. He may declare his determination to assume a new name in addition to or in substitution for his original name. When duly executed and attested the deed poll may be enrolled..... The deed poll must be signed by the applicant in both his old and his new names."

And in Volume 13 at para. 987 - "When a marriage has been dissolved or annulled on the petition either of husband or wife, the latter is entitled to call herself by her former husband's name, or by her former name, or by any other name she may obtain by reputation, provided no one thereby suffers injury of which the law can take notice."

The Representor chose, by Deed Poll, to abandon the surname of her former husband A and to adopt in lieu thereof the surname of L . The relevant clause reads: "That from the date hereof I have abandoned the

surname of A and I have adopted in lieu thereof the surname of L ." She signed the Deed " JPA " and " JPL ", after the following attestation clause: "In witness whereof I have hereunto signed my forenames of birth JP and my surname of marriage A and forenames of birth JP and my surname assumed by this present Deed of L ....." The Deed Poll commences with the words "I JPA (née S)". The name S does not again appear in the Deed Poll. We are asked to assume that notwithstanding that the Deed Poll executed by the Representor does not specifically abandon the surname of S the same has been for all purposes abandoned by the Representor as a consequence of the assumption of the surname L . Further, we are asked, should we consider it necessary or desirable so to do, to order that the Deed Poll be "rectified" to the extent that the abandonment by the Representor of the surname S as well as L be deemed included therein.

In our opinion we cannot do so. A Deed Poll is a deed made by and expressing the active intention of one party only. Historically, a deed poll was so called because the parchment required for such deeds had usually been shaved even or polled at the top. It is not a deed inter partes. By executing a deed, the party whose act and deed it is becomes, as a general rule, conclusively bound by what he is stated in the deed to be effecting. He is, as a rule, estopped from averring and proving by extrinsic evidence that the contents of the deed did not in truth express his intentions or did not correctly express them.

If a man, taking reasonable care, has nevertheless been induced by the machinations of some other person to execute a deed under a substantial mistake (not merely as to the legal effect of known contents of the deed) so that he believed it to be fundamentally different in substance or in kind from what it was, so that when he executed it his mind did not accompany his outward act, he may plead for this reason that the deed is not his deed, and if this plea is established by the evidence, the deed will be altogether void from the beginning. But the Representor has not so pleaded - she has merely been

mistaken as to the legal effect of the known contents of her deed - and, of course, a declaration that the deed was void for mistake would mean that the Representor would not have been entitled to the name L at the time of the birth of her child or at all until her subsequent marriage to Mr. L . In any event the plea is not available to a person whose mistake was really a mistake as to the legal effect of the document, whether that was his own mistake or that of his adviser.

The object of all interpretation of a written instrument is to discover the real intention of the author, the written declaration of whose mind it is always considered to be. The intention must be gathered from the written instrument. The function of the Court is to ascertain what the Representor meant by the words which she has used; to declare the meaning of what is written in the Deed Poll, not of what was intended to have been written; to give effect to the intention as expressed, the expressed meaning being, for the purpose of interpretation, equivalent to the intention. It is not permissible to guess at the intention and substitute the presumed for the expressed intention.

Therefore, we decline the invitation of the Representor to "rectify" the Deed Poll. We find that her intention was to abandon the married surname of A and to acquire in substitution for it the surname L . Thus she became JPL (née S) or JPS (Mrs. L) Presumably, she was co-habiting with Mr. L and wished, therefore, to be known as Mrs. L rather than as Mrs. A . Further, if she wished to abandon the name S she would have had to sign the Deed Poll additionally with the signature " JPS " (see Halsbury Vol.35 paras. 1180-1200 supra.). Moreover, if such had been her intention the deed would have had to state whether she assumed the name L once only to replace both L and S - in effect to become Miss JPL - or twice - to become JPL (née L). Thus, notwithstanding the Deed Poll, we find that the Representor's maiden surname remained S,

But was S the "nom de famille" for the purposes of Form A, in its amended form, in the Law?

From 1842 to 1950 the required declarations consisted of the "nom et prénom du père" and the "nom et prénom de la mère". In practice that was the surname of the father and the maiden surname of the mother. The amendment of 1950 altered this requirement to the "nom et prénom du père" and the "nom de famille et prénom de la mère". If Miss Nicolle and Mr. Renouf are correct in their submissions no change was, in reality, effected by the addition of the words "de famille" and, indeed, the practice continued as theretofore. On the other hand, if Mr. Falle is correct in his submission then, in the case of married persons the terms "nom du père" and "nom de famille de la mère" would mean one and the same thing.

Mr. Falle sought to rely on the Dictionnaire Juridique (Nouveau Dictionnaire Th. A. Quemner) of France which translates "nom de famille, patronymique" as "surname" and also "surname" as "nom de famille", whereas "maiden name" is "nom de jeune fille".

He went on to argue that the Law was based on the English model. The preamble to the Law provides that "les Etats, ayant pris en considération deux Actes du Parlement des 6e et 7e années du Règne de Sa Majesté Guillaume IV, le premier intitulé "an Act for Marriages in England" et le second intitulé "an Act for Registering Births, Deaths and Marriages in England" ont décidé qu'il est utile d'adopter autant que possible les dispositions de ces deux Actes de Parlement...." He argued therefore that the Law, as amended, is as far as possible akin to the Law of England where maiden names have no significance and that the purpose of the register is merely to ensure that records exist where they may be found and persons named and identified. He referred us to the Rules of the Supreme Court Order 63 rule 10/4 and D. -v- B. (otherwise D.) 1979 1 All E.R. 92, but we do not find these authorities of much assistance to the question we have to resolve.

Mr. Falle further argued that the Court has no discretion in the matter, that Form A is statutory and that the interpretation of "nom de famille" is the only issue. To that extent we agree - we have to decide this question as one of law and not of policy.

Mr. Renouf referred us to Dalloz - Nouveau Répertoire de Droit (2eme Edition) Tome 3e at p.428 para. 28:-

"Le changement d'état qui résulte du mariage ne fait pas acquérir à la femme le nom de son mari. Aucun texte législatif ne prévoit, en pareil cas, le changement de nom. La femme mariée n'a en conséquence, pas d'autre nom que son nom patronymique, son nom de jeune fille, qu'elle tient de son père. C'est pourquoi, dans les actes civils et judiciares qui la concernent, elle doit être désignée par ce nom, qu'une pratique constante fait suivre de l'indication de sa qualité de femme mariée et du nom de son mari".

Whilst many of the statements contained in the relevant chapter of Dalloz (Sect. 1ere - Le nom partonymique ou de famille p.426) have no application to Jersey, we believe that para. 28 reflects the situation in Jersey under common law.

The Representor's Deed Poll was, upon her ex parte application, registered in the Public Registry. What would have been the correct mode of conveyancing by her? We conceive it to be as follows:- Prior to her first marriage she would have transacted as Dlle. JPS ; after her marriage to Mr. A her correct description would have been Dlle. JPS , femme de Monsr. A ; after the divorce but before the execution of the Deed Poll the correct description would have been Dlle. JPS , autrefois femme de Monsr. A ; once the Deed Poll had been registered she should have transacted as Dlle. JPS (Mme. A) , because, in our opinion, such was her intention - on the record she had not abandoned the name of S ; and finally, pursuant to her re-marriage she would be described as Dlle. JPS ,

femme de Monsr. A . All this because her nom de famille, her nom patronymique, and her nom de jeune fille are all synonymous - the name which she acquired from her father and which she has not abandoned or replaced.

A number of Acts of the Royal Court ordering the registration of Deeds Poll, and the Deeds Poll themselves, were exhibited to us by Mr. Renouf. In a sense they establish nothing because they were not challenged. But they are evidence of the fact that married women do sometimes change their surname of birth or maiden name without necessarily changing their married surname and that divorced women do sometimes expressly abandon both their maiden surname and assumed name at marriage in favour of a single new surname - in these cases the Deed Poll is signed by the declarant in both her old names and in her new name. Whilst these cases do not have the force of authority or precedents they are evidence that practitioners do support the views that we have expressed.

Miss Nicolle also put before us two items of subordinate legislation. The first of these was the Legitimacy and Illegitimacy (Re-Registration of Births) (Jersey) Regulations, 1974 (R & O 5956), made in pursuance of Article 10 of the Legitimacy (Jersey) Law, 1973 ("the 1973 Law"). Regulation 3(2) provides that:

"(b) where re-registration is made as a result of a decree pronounced under Article 6 of the law -

(ii) in the column headed "nom et prénom de la mère" there shall be entered the maiden name and christian names of the mother.

(c) where re-registration is made as a result of a decree pronounced under Article 7 of the Law -

(ii) in the column headed "nom et prénom de la mère" there shall be entered the maiden name and christian names of the mother".

Unfortunately, the draftsman must have used the Formule A annexed to the 1842 Law and not the Formule A substituted by the 1950 Amendment, with the result that "nom et prénom de la mère" is used and not the then correct version "nom de famille et prénom de la mère".

The second of these was the Birth Certificate (Shortened Form) (General Provisions) (Jersey) Order, 1980 (R&O 6773) made in pursuance of the Birth Certificate (Shortened Form) (Jersey) Law, 1979. Regulation 3 provides that -

"(1) An applicant for a short birth certificate ..... shall furnish .... the following particulars .... -

(a) the name, surname and maiden surname of his mother;....."

Mr. Falle said in reply that the Regulations were of comparatively recent date and enacted subtantially after the use of the term "nom de famille" in 1950. It must be noted therefore that the Legitimacy and Illegitimacy (Re-Registration of Births) (Jersey) Regulations, 1974, replaced the Declarations of Illegitimacy (Re-Registration of Births) (Jersey) Regulations, 1951, made in pursuance of Article 18 of the Declarations of Illegitimacy (Jersey) Law, 1947. The 1974 Regulations are in substantially the same form as the 1951 Regulations except that provision was made for the existence of Decrees of Legitimacy under the 1973 Law.

Similarly, the Birth Certificate (Shortened Form) (General Provisions) (Jersey) Order, 1980, replaced the Birth Certificate (Shortened Form) (Jersey) Regulations, 1950, made in pursuance of the Birth Certificate (Shortened Form) (Jersey) Law, 1950, and is in substantially the same form.

The Loi (1950)(Amendement No. 5) Sur l'Etat Civil, the prime purposes of which, as we have said, was to create a separate register of still-births and to allow for the alteration of entries in Registers of Births relating to children legitimated by the subsequent marriage of their parents was enacted during a period of considerable law reform in the sphere of family law. It was passed by the States on the 14th March, 1950, was sanctioned by Order of His Majesty in Council on the 8th December, 1950 and registered on the 6th January, 1951. The Birth Certificate (Shortened Form)(Jersey) Law, 1950, was passed by the States on the 11th April, 1950, sanctioned by His Majesty in Council on the 26th June, 1950, and registered on the 15th July, 1950. The Birth Certificate (Shortened Form) (Jersey) Regulations, 1950, were enacted by the States on the 13th September, 1950 and the Declarations of Illegitimacy (Re-Registration of Births) (Jersey) Regulations, 1951, were enacted by the States on the 1st February, 1951. We have little doubt that these were all inter-connected and it is our belief that the addition of the words "de famille" in the sixth column of Form A was intended by way of clarification in order to make it clear that it was the maiden surname of the mother that was to be entered there. In the event it has caused some confusion.

In our judgment, therefore, it is the maiden surname of the mother of the child that has to be declared and registered and an illegitimate child acquires the maiden surname of his mother as his surname unless, of course, that maiden surname has been abandoned in favour of another name, which in this case it had not.

We must go on to consider what steps should now be taken to rectify the situation. No evidence was adduced before us and we do not have the form that was completed, delivered to the Registrar and returned by him. We do think, however, that the Representor and Mr. L should have the opportunity to effect a registration under Article 17A of the Law. Because more than six months have elapsed since the birth of the child, Article 13 of the Law applies and an Order of this Court is required. Accordingly, we

1) That the birth of the child shall be registered in the name of S .

2) That if the Representor and Mr. L make a joint application under the provisions of Article 17A within twenty-one days hereof the Registrar of the Parish of St. Helier, in the presence of the Superintendent Registrar, will register the birth in accordance with those provisions.

3) That failing such application the Superintendent Registrar will cause the registration of the birth to be effected, in which event no name will be registered as that of the father of the child.

It is unnecessary for us to make any order under Article 17B of the Law because the facility of re-registering the birth as a legitimate one is available to the Representor and Mr. L , in the words of paragraph (2), "en tout temps après ledit mariage....."

Finally, we order that the Representor shall pay the costs of the Registrar , such costs, in default of agreement, to be taxed.