

FEATURE

The Manx constitution: An anomaly or pragmatism?

Former First Deemster, William Cain, will be speaking about the history of the Manx constitution at the next University College Isle of Man #UCMtalks event. It takes place at The Nunnery on Wednesday next week.

The Manx Constitution has sometimes been described as an anomaly, a deviation from the natural order, an untidy accident of history ripe to be swept away, with the island being incorporated into the United Kingdom.

In his lecture on December 12, William Cain (pictured below) will argue that the Manx Constitution is not, and never has been, an anomaly, but is the product of the rational decisions of the rulers of the Isle of Man over many centuries, based on the island's geography and history.

Far from being an anomaly, the modern Manx Government is part of the new emerging pattern of governance in the British Isles.

This lecture will explore the development of the island's constitution beginning with its independent status as the Viking Kingdom of Man and the Isles established in the 10th century.

The collapse of Norse power in the West saw attempts to incorporate the island into the Kingdom of Scotland, following the transfer of the islands from Norway to Scotland under the Treaty of Perth in 1266.

The Isle of Man changed hands between Scotland and England several times in the following decades. In 1399, Henry IV claimed conquest over the island and on April 6, 1406 he granted the island to Sir John Stanley in perpetuity, establishing a new legal order which continued for 350 years.

The island was now a possession of the English Crown, but it was not made part of England itself.

It had a status comparable to the territories of the English Crown in France. As a conquered territory the English Crown could intervene in



Governor Walpole explored the role of the Governor in *The Land of Home Rule*, published in 1893 (Image courtesy of MNH, Ref PG.13486)

Manx affairs, if necessary, by an Act of Parliament.

However, although the island retained its separate and distinct status, the grant to Stanley was not absolute.

It provided that Stanley and his heirs owed allegiance to the English Crown in respect of the Isle of

Man, formally recognised by an obligation to render two falcons to Henry and two falcons to future kings or queens of England at their coronation.

In feudal law Stanley became a vassal of the English king, but in all other respects he was to hold the lordship as fully as previous lords of Man.

As Henry IV had made no changes to the island's law or constitution, Stanley and his successors were obliged to rule the island in accordance with its existing customary law and institutions, in particular, Tynwald, established in the Viking Age.

In next week's lecture, William Cain will consider the special role of the Deemsters and the Keys in developing the customary law, and the emergence of the Keys as the representatives of the people, as well as the evolution of Tynwald into a modern bicameral legislature.

The lecture will explore several important decisions of the Privy Council and the English Chancery Court from the 16th, 17th and 18th centuries dealing with the island's status and the role of Parliament.

Cain will examine the critical moments in Manx history, including the execution of William Christian in 1663, the Revestment in 1765 when the Duke of Athol surrendered the lordship to the Crown, save for his manorial and ecclesiastical rights and, subsequently, the first Act of Tynwald to receive Royal Assent by the Crown in 1776.

An intriguing connection with the American Revolution will also be explored.

The lecture will also take



In 1663, the Privy Council condemned the execution of William Christian (Illiam Dhone) noting that the UK Act of General Pardon and Indemnity applied also to the Isle of Man (Image courtesy of MNH, Ref 1954-6561)



The Manx Law Reports

into account the views of the 1792 Commission of Enquiry and the Royal Commission on the Constitution in 1973.

Constitutional developments in the 19th and 20th centuries include the Keys becoming an elected body, the reforms to the Legislative

Council, the changing role of the Lieutenant Governor and the emergence of an executive government responsible to Tynwald.

The lecture will take place at the Nunnery, Douglas, at 6pm on Wednesday, December. The lecture is free, but

booking is essential. Tickets can be reserved online at www.eventbrite.co.uk.

#UCMtalks is a series of powerful talks exploring new ideas, hosted by University College Isle of Man.

Beginning last year, #UCM talks dealt with topics as current and diverse as the use of technologies in the classroom, the way in which our health data is used online, and the role of the Isle of Man's UNESCO Biosphere status.

This year's series continues on January 16 when PhD researcher, Christa McCartney, will be discussing critical changes in business education.

In the following lecture, on Monday, January 28, Professor Peter Edge from Oxford Brookes University and Professor Claire de Than from the Institute of Law Jersey will be discussing the impact and legacy of Lord Lisvane's review of Tynwald. Both lectures take place at 6pm at The Nunnery.

To view the full series of #UCMtalks, including the new lunchtime series, #UCMtalksbusiness, visit www.iontoday.co.im.