

# ORDRE EN CONSEIL

RATIFIANT LA

## LOI RELATIVE A LA PRESCRIPTION IMMOBILIÈRE.

(Enregistré sur les Records de l'Ile de Guernesey le  
27 février 1909.)



*IMPRIMÉ ET PUBLIÉ PAR LA*

COMPAGNIE D'IMPRIMERIE DE BICHARD, LIMITÉE,  
IMPRIMEURS OFFICIELS AUX ÉTATS,  
BUREAU DE LA GAZETTE OFFICIELLE,  
RUE DU BORDAGE.

1909.

## ORDRE EN CONSEIL.

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*Le vingt-trois avril mil neuf cent neuf pardevant  
William Carey, écuyer, Baillif, présents : Jean de  
Garis, Jean Nant Brouard, Ernest Collas, George  
Herbert Le Mottée, Julius Bishop, John Bonamy  
Collings, Adolphus John Hocart, John Leale et  
Lionel Slade Carey, écuyers, Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre en Conseil en date du 2 avril 1909 de Son Altesse Royale le Prince de Galles étant autorisé à ce faire par sa Majesté le Roi, ratifiant un projet de Loi intitulé "Loi relative à la prescription immobilière." La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné que ledit Ordre sera enregistré sur les Records de cette île, et qu'un extrait des Registres contenant ce présent Acte sera expédié par le Greffier du Roi à Monsieur le Juge de l'Île d'Auregny et à Monsieur le Sénéchal de l'Île de Sercq pour être enregistré sur les Records des dites Îles, duquel Ordre la teneur suit :—

**At the Court at St. James's,**

The 2nd day of April, 1909,

**Present,**

**His Royal Highness The Prince of  
Wales,**

LORD PRESIDENT

LORD HAVERSHAM

LORD STEWARD

LORD PENTLAND.

**Whereas** His Majesty was pleased, by His Commission dated the second day of March, one thousand nine hundred and nine, to nominate and appoint His Royal Highness the Prince of Wales, in His Majesty's absence from His Realm in Foreign

Parts, to hold on His Majesty's behalf, His Privy Council, and to signify thereat His approval of any matter or thing whereunto His Royal Highness should be so authorised by writing under His Majesty's Sign Manual, and to do further on His Majesty's behalf any matter or thing for the purposes of the said Commission whereunto His Royal Highness should be authorized in manner aforesaid.

**And Whereas** there was this day read at the Council held under the authority of the said Commission a Report to His Majesty from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 16th day of March, 1909, in the words following, viz.:

**“Your Majesty** having been pleased by Your General Order of Reference of the 24th day of January, 1901, to refer unto this Committee the most humble Petition of the States of the Island of Guernsey, dated the 12th day of January, 1909, setting forth: 1. that by the ancient Law of Normandy which was still in force in 1851 within the Bailiwick of Your Majesty's Island of Guernsey the period required for prescription in matters concerning Realty was forty years; 2. that the said period of forty years was reduced to thirty years by a Law intituled ‘De La Prescription Immobilière,’ sanctioned by Order of Her late Majesty in Council of the 5th day of March, 1852, registered on the records of that Island on the 13th day of March, 1852; 3. that it having been deemed advisable to still further reduce the period required for Prescription in matter of Realty from thirty to twenty years, a ‘Projet de Loi’ intituled ‘Loi relative à la Prescription Immobilière’ was duly submitted to and approved of by the Court of Chief Pleas of the said Island held on the 14th November, 1908, and it was ordered that the same be

presented to the States for their approval; 4. that the 'Projet' was accordingly duly submitted to the said States and was considered by them on the 30th December, 1908, at which date they passed a Resolution approving of and adopting its provisions with certain modifications and authorized the Bailiff to present a humble Petition on their behalf for Your Majesty's gracious consideration most humbly praying that Your Majesty would be graciously pleased to give Your Royal sanction to the said 'Projet' intituled 'Loi relative à la Prescription Immobilière' as the same is set forth in the Schedule to the Petition and to order and direct that as from the Registration of any Order to be made on the said Petition the same may have the force of Law in the Bailiwick of Guernsey :

**"The Lords of the Committee** in obedience to Your Majesty's said Order of Reference have this day taken the said Petition into consideration and do agree humbly to report, as their opinion, to Your Majesty that it may be advisable for Your Majesty to approve of and ratify the said 'Projet de Loi' and to declare that as from the registration of Your Majesty's Order the same shall have force of law in the Bailiwick of Guernsey."

**Now, Therefore,** His Royal Highness the Prince of Wales, being authorized thereto by writing under His Majesty's Sign Manual, has taken the said Report into consideration and doth, by and with the advice of His Majesty's Privy Council, on behalf of His Majesty approve of and ratify the said "Projet de Loi," and, on His Majesty's behalf, order, as it is hereby ordered, that, as from the Registration of this Order, the same shall have the force of Law within the Bailiwick of Guernsey.

And His Royal Highness, being authorized as aforesaid, doth, by and with the like advice, on His

Majesty's behalf, hereby further direct that this Order, and the said "Projet de Loi" (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

A. W. FITZROY.

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**"PROJET DE LOI" referred to in the foregoing  
Order in Council.**

**LOI RELATIVE A LA PRESCRIPTION IMMO-  
BILIÈRE.**

1.—A partir du 1er avril 1909 toutes choses immobilières, et actions réelles ou dépendantes de la réalité, qui se prescrivent maintenant par le laps de trente ans seront prescrites par le laps de vingt ans ; et suffira la tenue de vingt ans, bien entendu qu'elle soit de bonne foi, pour titre compétent en matière héréditaire.

2.—Toutefois les prescriptions commencées avant le 1er avril 1909 seront réglées conformément aux lois précédemment en force ;—néanmoins les prescriptions alors commencées, et pour lesquelles il faudrait encore, suivant les dites lois, plus de vingt ans à compter du dit jour, seront accomplies par le laps de vingt ans.

3.—Le droit de racheter, ou assigner, les rentes rachetables, ou assignables créées après le 1er janvier 1852, restera imprescriptible.

4.—Ne sera cette loi applicable à l'exemption du paiement de champart.

(Extrait des Registres),

**QUERTIER LE PELLEY,**  
Greffier du Roi.