

# ORDRES EN CONSEIL.

(Enregistré sur les Records le 16 avril 1930.)

1930

AT THE COURT AT BUCKINGHAM PALACE

The 28th day of March, 1930.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

LORD CHAMBERLAIN

LORD MACMILLAN

LORD PRESIDENT

MR. ROBERTS

MR. JAMES BROWN.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 25th day of March, 1930, in the words following, viz :—

Loi relative à la portion disponible des Biens Meubles des Pères et Mères. Auregny.

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :— That on the 15th day of October, 1872, Her late Majesty Queen Victoria, by Her Majesty's Order in Council ratified a *Projet de Loi*, intituled ‘ *Loi relative à la Portion disponible des Biens Meubles des Pères et Mères*,’ to have force of Law in the Bailiwick of Guernsey. That the said Law was registered on the Records of the Island of Alderney on the 2nd day of November, 1872, and has been in operation in this said Island from the date of registration. That the States of Guernsey in order to meet certain changes made in their laws relating to personal estate, were of opinion to abrogate the said law. That it is essential that the provisions of the said Law remain in force in Your Majesty's said Island of Alderney. That at a Meeting of the States holden before your Petitioner on the 19th December, 1929, the States took into consideration a *Projet de Loi* intituled ‘ *Loi*

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relative à la Portion disponible des Biens Meubles des Pères et Mères,' and were of opinion to approve of the same, and to authorize Your Petitioner to present in the name of the States a most humble Petition to Your Majesty in Council praying Your Majesty to be graciously pleased to grant the same Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi (a copy whereof is hereunto annexed), and to order the same to have force of Law in Your Majesty's said Island of Alderney."

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HIS MAJESTY doth 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, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

## ALDERNEY.

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TRANSLATION OF "LAW RELATING TO THE DISPOSABLE PORTION OF MOVABLE PROPERTY OF FATHERS AND MOTHERS," APPROVED BY HIS MAJESTY IN COUNCIL THE 28TH MARCH, 1930.

## ARTICLE I.

Any person who is able to make a will can freely dispose of his personal estate, with the exception of the portion which constitutes the right of his children and his wife's right.

## ARTICLE II.

The right of the children to the succession of a father's estate is as under :—

If he leaves a widow, one-third.

If he leave no widow, one-half.

## ARTICLE III.

The right of the children to the succession of a mother's personal estate, provided she has a right to will it or is a widow, is one-half.

## ARTICLE IV.

The right of the wife to the succession of a husband's personal estate is as under :—

If he leaves children, one-third.

If he leaves no children, one-half.

## ARTICLE V.

In the event of a wife having by marriage settlement renounced, wholly or in part, to the right of succession in her husband's personal estate, the amount to which she may thus have renounced shall go to increase the portion a husband can dispose of.

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## ARTICLE VI.

By the term children as described in the foregoing articles, is understood the descendants of a person in whatsoever degree ; notwithstanding which such descendants shall only be considered in respect of the child they may represent in the succession.

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“ PROJET DE LOI ” referred to in the foregoing Order in Council.

PROJET DE LOI RELATIVE À LA PORTION  
DISPONIBLE DES BIENS MEUBLES DES  
PÈRES ET MÈRES.

## ARTICLE I.

Tout individu capable de tester a la libre disposition de sa propriété mobilière à l'exception de ce qui est compris dans la légitime de ses enfants et le droit de son épouse.

## ARTICLE II.

S'il laisse une veuve, le tiers.  
S'ils n'en laisse point, la moitié.

## ARTICLE III.

La légitime des enfants dans la succession mobilière de leur mère ayant pouvoir de tester ou étant veuve est la moitié.

## ARTICLE IV.

Si le mari laisse des enfants, le tiers.  
S'il n'en laisse point, la moitié.

## ARTICLE V.

Si par contrat de mariage la femme a renoncé, en

tout ou en partie, à son droit sur la succession mobilière de son mari, le montant de ce qui est compris dans la renonciation sera un accroissement à la portion disponible du mari.

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## ARTICLE VI.

Sont compris dans les articles ci-dessus sous le nom d'enfants, les descendants, en quelque degré que ce soit : néanmoins ils ne sont comptés que pour l'enfant qu'ils représentent dans la succession.

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