

(Enregistré sur les Records le 20 janvier 1930.)
AT THE COURT AT BUCKINGHAM PALACE.
The 17th day of December, 1929.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT
LORD COLEBROOKE
MR. BUXTON
MR. ATTCHISON
LORD JUSTICE ROMER
SIR JOHN ASTBURY

Loi relative à
la portion
disponible
des biens
meubles des
Pères et des
Mères.

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 5th day of December, 1929, in the words following, viz. :—

“ YOUR MAJESTY, having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, dated the 21st day of November, 1929, in the words following, viz. :—(1) That the law intituled ‘ Loi relative à la portion disponible des biens meubles des pères et mères,’ sanctioned by Order of Her late Majesty in

1930

Council, registered on the Records of this Island on the 26th day of October, 1872, fixes amongst other things the portion to which a widow is entitled in her deceased husband's movable estate : (2) That the law intituled ' The Married Women's Property Law, 1928,' sanctioned by Order of Your Majesty in Council registered on the Records of this Island on the 8th day of September, 1928, removed the disabilities which previously existed affecting married women in this island with regard to the holding of immovable and movable property : (3) That prior to the passing of the Married Women's Property Law the movable property of a woman in the absence of an ante-nuptial settlement to the contrary became on her marriage the absolute property of the husband : (4) That the Married Women's Property Law having dispossessed a husband of all rights of proprietorship and control over his wife's movable property, the States at a meeting held on the 2nd day of August, 1929, adopted a resolution praying the Royal Court to prepare a Bill or *Projet de Loi* to provide that a husband should have equivalent rights of succession in his deceased's wife's movable estate to those possessed by the wife in virtue of the provisions of the above recited law of 1872 in the similar estate of her deceased husband : (5) That on the 7th day of September, 1929, the Royal Court in order to give effect to the above resolution of the States adopted a Bill or *Projet de Loi* intituled ' *Loi relative à la portion disponible des biens meubles des pères et mères, 1929,*' incorporating also in it the provisions of the above recited law of 1872 and requested the Bailiff to submit the same to the States for their approval : (6) That at a meeting of the States held on the 10th day of November, 1929, the said Bill or *Projet de Loi* was duly considered, when a resolution was passed approving the same with slight modifications and authorizing the Pres dent to present a most humble Petition to Your Majesty in Council praying

1930

for Your Royal Sanction thereto : (7) That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule to the Petition : And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled 'Loi relative à la portion disponible des biens meubles des pères et mères, 1929,' and to order and direct that the same shall have the force of law within the Island of Guernsey.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi 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 Guernsey.

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, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. HANKEY.

“ PROJET DE LOI ” referred to in the foregoing 1930
Order in Council.

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

1.—Tout individu capable de tester a la libre dis- Disposition de propriété mobilière.
position de sa propriété mobilière à l'exception de
ce qui est compris dans la légitime de ses enfants et le
droit de son conjoint.

2.—La légitime des enfants dans la succession Légitime des enfants.
mobilière de leur parent (père ou mère) est comme
suit :—

Si tel parent laisse conjoint survivant, le tiers, qui
sera pris après que le conjoint survivant aura fait
le prélèvement de son tiers.

S'il n'en laisse point, la moitié.

3.—Le droit du conjoint survivant sur la succes- Droit du conjoint.
sion mobilière de son conjoint décédé est comme
suit :—

Si le conjoint décédé laisse des enfants, le tiers ;

S'il n'en laisse point, la moitié.

4.—S'il y a eu renonciation en tout ou en partie Cas où il y a eu renonciation.
avant ou pendant le mariage soit par le mari soit
par la femme, à son droit futur sur la succession mobi-
lière de son conjoint, la portion de la succession
comprise dans la renonciation sera un accroissement
à la portion disponible dans la succession de tel
conjoint.

5.—Sont compris dans les articles précédents sous Définition d'enfants.
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.

6.—Est et demeure rappelée la “ Loi relative à la Loi rappelée.
portion disponible des biens meubles des pères et
mères,” ratifiée par Ordre de Sa Majesté en Conseil,
enregistré sur les records de cette Ile le 26 Octobre
1872.