

HELIGOLAND (ORDERS IN COUNCIL).

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59

RETURN to an Address of the Honourable The House of Commons,  
dated 7 July 1890;—for,

“RETURN of the ORDERS IN COUNCIL of the 7th day of January 1864 and the  
29th day of February 1868 as to the Government of *Heligoland*.”

Colonial Office, }  
July 1890. }

H. DE WORMS.

(*Mr. Channing.*)

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*Ordered, by The House of Commons, to be Printed,*  
*17 July 1890.*

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506

RETURN of the ORDER IN COUNCIL of the 7th day of January 1864 and the 29th day of February 1868, as to the Government of *Heligoland*.

ORDER IN COUNCIL making provision for the Government of *Heligoland*. and declaring the Powers of the Government thereof.

AT the Court at Osborne House, Isle of Wight, the 7th day of January 1864.

PRESENT :

The Queen's Most Excellent Majesty.

Lord President.  
Sir George Grey, Bart.

Mr. Charles Villiers.

WHEREAS the form of Government now existing in the Island of Heligoland hath been found insufficient for the exigencies of Her Majesty's subjects resident therein, and it is expedient to make temporary provision for the government of the said island, and to declare the powers of the Governor thereof, it is hereby ordered by Her Majesty, by and with the advice of Her Privy Council, as follows :—

1. The term "Governor" in this Order in Council shall mean any person appointed to administer the government of the Island of Heligoland, by or under authority of any Letters Patent, issued under the Great Seal of the United Kingdom of Great Britain and Ireland.

2. There shall be in the said island a Legislative Council, which shall consist of such officers or persons as shall from time to time be designated or named in that behalf by any instruction or instructions, or by any warrant or warrants, under the Royal Sign Manual and Signet, and of such other persons as shall be from time to time provisionally appointed by the Governor by Commission under the Public Seal of the said island: Provided, that if at any time during the existence of any such provisional appointment the number of councillors resident in the said island, and capable of acting in the execution of their office, shall exceed the number of 12, the provisional appointment of latest date shall at once become void and of none effect.

3. The said Legislative Council shall, in the transaction of business, conform to such regulations as may from time to time be prescribed by any instructions under the Royal Sign Manual and Signet, and, subject to such instructions, may frame rules for the conduct of the business of the said Council.

4. The Governor of Heligoland may from time to time, with the advice and consent of the said Council, make laws for the peace, order, and good government of the Island of Heligoland: Provided that it shall be lawful for Her Majesty, through one of Her Majesty's Principal Secretaries of State, to disallow any such laws as aforesaid in the whole or in part, and that any such law or part thereof shall cease to be of any force or effect so soon as the disallowance thereof shall be published in the said island by the Governor thereof; provided also, that notwithstanding anything herein contained, Her Majesty may from time to time, with the advice and consent of Parliament, or with the advice of Her Majesty's Privy Council, make and establish all such laws as may to Her appear necessary for the peace, order, and good government of the said island; provided

also, that no ordinance imposing any tax within the said island, or appropriating any public money therein, shall take effect until it shall have been ratified by the Combined Court herein-after mentioned ; provided also, that no law shall take effect until it shall have been signed by the Governor in token of his assent thereto.

5. The Combined Court shall consist of the members of the said Legislative Council, and 12 representatives of the inhabitants of Heligoland, who shall be elected in manner herein-after mentioned.

6. Any male British subject being above the age of 21 years, and of sound mind, and not having been convicted of any crime which by the law of England would amount to felony, may be elected representative.

7. Every male British subject being above the age of 21 years, and of sound mind, shall be capable of voting for the election of representatives in case he shall be the owner of any house or land of the value of one pound sterling per annum, or of ships or boats in the following proportions ; that is to say, one-half of any boat less than a fishing sloop ; one-fourth of a fishing sloop ; one-tenth of any full-decked vessel ; or shall be in receipt of a fixed yearly income of the amount of four pounds sterling, or shall rent any house or land of the annual value of thirty shillings.

8. The election of representatives, the registration of voters, and the decision of all questions which may arise in respect to the validity or effect of such election or registration, shall take place at such time, and shall be conducted in such manner and by such persons as shall be determined from time to time by the Governor and Legislative Council ; provided that no representative shall be elected for any longer time than until the first of January next after his election.

9. No person shall be entitled to sit or vote in the Legislative Council or Combined Court, until he shall have taken the oath commonly called the Oath of Allegiance.

10. The Combined Court shall meet when summoned by the Governor, and may be adjourned, prorogued, or dissolved by him.

11. The Combined Court shall, after its election, before proceeding to any other business, elect one of its members to be chairman.

12. The Combined Court at any meeting thereof shall not proceed to business, or adopt any resolution except for the adjournment of the meeting, unless eight members thereof shall be present.

13. All questions shall be decided by a majority of votes of members present. In case the votes shall be equally divided, the presiding member shall have a casting vote.

14. Subject to the provisions of this Order in Council, and of any other law which may for the time being be in force in the said island, the Combined Court may from time to time, by such majority as aforesaid, make rules for the regulation of their own proceedings.

15. The Governor may keep and use the Public Seal appointed for the sealing of all things whatsoever that shall pass the seal of the said island.

16. The Governor may make and execute in Her Majesty's name and on Her behalf, under the said Public Seal, grants and dispositions of any lands which may be lawfully granted or disposed of by Her within the said island.

17. The Governor may constitute and appoint judges, justices of the peace, and other necessary officers and ministers in the said island, all of whom shall hold their offices during Her Majesty's pleasure.

18. The Governor may, as occasion may require, administer or cause to be administered to any such officer as aforesaid, or other person within the said island, the  
oath

oath commonly called the Oath of Allegiance, and such other oaths as by law or custom are usually taken for the due execution of offices or places, and for the clearing of truth in judicial matters.

19. The Governor may, as he shall see occasion, in Her Majesty's name and on Her behalf, grant to any offender convicted of any crime in any court, or before any judge, justice, or magistrate within the said island, a free and unconditional pardon, or a pardon subject to such conditions as may at any time be lawfully thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to him may seem fit.

20. The Governor may, as he shall see occasion, in Her Majesty's name and on Her behalf, remit any fines, penalties, or forfeitures which may accrue or become payable to Her, provided the same do not exceed the sum of fifty pounds sterling in any one case, and may suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until Her Majesty's pleasure thereon shall be made known and signified to him.

21. The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his office within the said island any Legislative Councillor or other person exercising the same under or by virtue of any commission or warrant granted, or which may be granted by Her Majesty or in Her name, or under Her authority, which suspension shall continue and have effect only until Her Majesty's pleasure therein shall be made known and signified to the said Governor. And in proceeding to any such suspension, he is to observe the directions in that behalf given to him by any such instructions under Her Majesty's Sign Manual and Signet as may be hereafter addressed to him.

22. There shall be in the said island, for the purpose of advising the Governor thereof, an Executive Council, which shall be composed of such persons or officers as may from time to time be named or designated, and shall observe such rules in the conduct of business as may from time to time be directed or appointed by, or under authority of, any instructions addressed to him or them under Her Majesty's Sign Manual and Signet.

23. This Order in Council shall take effect on a day to be named in any Proclamation to be issued in the Island of Heligoland by authority of the Governor thereof, and shall remain in force for five years from the date of such Proclamation unless the same shall be sooner revoked or altered by Her Majesty with the advice of Her Privy Council.

And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

*Edmund Harrison.*

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ORDER OF THE QUEEN IN COUNCIL making provision for the Government of the Island of Heligoland, and declaring the Powers of the Governor thereof, dated 29th February 1868.

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At the Court at Osborne House, Isle of Wight, the 29th day of February 1868.

PRESENT :

The Queen's Most Excellent Majesty in Council.

Lord Chancellor.	Sir J. Pakington, Bart.
Lord President.	Mr. Disraeli.
Lord Steward.	The Chancellor of the Exchequer.

WHEREAS Her Majesty did, by a certain Order in Council dated the 7th day of January 1864, amongst other things, make temporary provision for the government of the Island of Heligoland, and declare the powers of the Governor thereof, and did thereby order that the said Order in Council should remain in force for five years from the date of the proclamation thereof in the said island, unless the same should be sooner

revoked or altered by Her Majesty with the advice of Her Privy Council : And whereas it is expedient that the said Order in Council should be revoked, and that fresh provision should be made for the government of the said island in lieu thereof: It is hereby ordered by Her Majesty, by and with the advice of Her Privy Council, and in pursuance and exercise of the powers in that behalf vested in Her Majesty, as follows :

1. The said recited Order in Council shall be and the same is hereby revoked : Provided always, that nothing herein contained shall be held to invalidate any act or thing done in pursuance or under authority of the said Order in Council.

2. The term " Governor " in this Order in Council shall mean the officer for the time being lawfully administering the government of the Island of Heligoland.

3. The Governor of Heligoland may from time to time, by any proclamation to be by him issued, make laws for the peace, order, and good government of the Island of Heligoland: Provided that it shall be lawful for Her Majesty, through one of Her Majesty's Principal Secretaries of State, to disallow any such laws as aforesaid in the whole or in part, and that any such law or part thereof shall cease to be of any force or effect so soon as the disallowance thereof shall be published in the said island by the Governor thereof: Provided also, that notwithstanding anything herein contained, Her Majesty may from time to time, with the advice and consent of Parliament, or with the advice of Her Majesty's Privy Council, make and establish all such laws as may to Her appear necessary for the peace, order, and good government of the said island.

4. The Governor may keep and use the public seal appointed for the sealing of all things whatsoever that shall pass the seal of the said island.

5. The Governor may make and execute in Her Majesty's name and on Her behalf, under the said public seal, grants and dispositions of any lands which may be lawfully granted or disposed of by her within the said island.

6. The Governor may constitute and appoint judges, justices of the peace, and other necessary officers and ministers in the said island, all of whom shall hold their offices during Her Majesty's pleasure.

7. The Governor may, as occasion may require, administer, or cause to be administered, unto any such officer as aforesaid, or other person within the said island, the oath commonly called the Oath of Allegiance, and such other oath or oaths as are usually taken for the due execution of offices and places, and for the clearing of truth in judicial matters.

8. The Governor may, as he shall see occasion, in Her Majesty's name, and on Her behalf, grant to any offender convicted of any crime in any court, or before any judge, justice, or magistrate within the said island, a free and unconditional pardon, or a pardon subject to such conditions as may at any time be lawfully thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to him may seem fit.

9. The Governor may, as he shall see occasion, in Her Majesty's name and on Her behalf, remit any fines, penalties, or forfeitures which may accrue or become payable to Her, provided the same do not exceed the sum of fifty pounds sterling in any one case, and may suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until Her Majesty's pleasure thereon shall be made known and signified to him.

10. The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his office within the said island any person exercising the same under or by virtue of any Commission or Warrant granted, or which may be granted, by Her Majesty, or in Her name, or under Her authority, which suspension shall continue and have effect only until Her Majesty's pleasure therein shall be made known and signified to the said Governor. And in proceeding to any such suspension, he is to observe the directions in that behalf given to him by any such instructions under Her Majesty's Sign Manual and Signet as may be hereafter addressed to him.

11. There

11. There shall be in the said island, for the purpose of advising the Governor thereof, an Executive Council, which shall be composed of such persons or officers as may from time to time be named or designated, and shall observe such rules in the conduct of business as may from time to time be directed or appointed by or under authority of any instructions addressed to him or them under Her Majesty's Sign Manual and Signet.

12. This Order in Council shall take effect on a day to be named in any proclamation to be issued in the Island of Heligoland by authority of the Governor thereof, and shall remain in force until the same shall be revoked or altered by Her Majesty with the advice of her Privy Council.

13. And the Most Noble the Duke of Buckingham and Chandos, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed) *Arthur Helps.*



**HELIGOLAND (ORDERS IN COUNCIL).**

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**RETURN of the ORDERS IN COUNCIL of 7 June  
1864, and 29 February 1868, as to the Govern-  
ment of *Heligoland*.**

*(Mr. Channing.)*

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