

Sub-Enclosure.

[Extract from the "Reichs-Gesetzblatt," No. 30.]

[TRANSLATION.]

Law respecting the Acquisition of Property and the Real Burdening of Land in the Protectorate of the New Guinea Company.

WE, William, by the Grace of God German Emperor, King of Prussia, &c., decree, on the authority of § 3 of the law concerning legal conditions in the German Protectorates in the sense of the law of the 7th July, 1887 ("Reichs-Gesetzblatt," p. 307), as follows, in the name of the Empire:—

§ 1. The acquisition of property and the real burdening of land in the territory of the Protectorate of the New Guinea Company is regulated, in so far as not otherwise provided for, in the following articles, in accordance with the provisions of Prussian law, and especially of the law of the 5th May, 1872 (Collection of Laws, p. 433), concerning acquisition of property, real burdens on land, mines, and independent rights.

§ 2. The declarations of surrender and transfer by the registered owner and new acquirer (§ 2 of the law of the 5th May, 1872) may also be made in writing. Sometimes delivery of the two declarations is not necessary.

§ 3. The provisions of the law for the acquisition of property and of the Ground Register of the 5th May, 1872, referring to ground debts, are not applicable. In their place, provisions necessary for the execution of this order will be issued by the Chancellor of the Empire, after consultation with the directors of the New Guinea Company.

§ 4. The preceding provisions are not applicable to the acquisition of unoccupied lands or to lands belonging to natives. But lands entered in the "Grundbuch" are subject to the provisions of §§ 1 to 3, even when they pass into the hands of natives.

§ 5. The principles to be followed in the case of acquisition of land by contract with the natives, or by annexing unoccupied lands—a right exclusively reserved to the New Guinea Company by the Imperial Charter of Protection of the 17th May, 1885—will be fixed by the New Guinea Company, with the sanction of the Chancellor of the Empire.

The registration of lands thus acquired by the New Guinea Company takes place on the authority of a certificate of acquisition to be issued by the Governor ("Landeshauptmann"), or by an official duly empowered by him.

§ 6. Other persons can only derive rights from appropriation of unoccupied lands, or from contracts with the natives respecting the acquisition or mortgaging of land, if the acquisition has taken place prior to the 21st May, 1885.

§ 7. The following provisions are to be in force for acquisition of the kind indicated in § 6:—

In the case of appropriation of unoccupied land, it is necessary, for the effectual validity of the title, that actual possession shall have been taken of the land in question before the 21st May, 1885, and, further, that the possession shall not have been subsequently given up or otherwise lost.

In the case of acquisition by contract with natives, it is necessary that a contract shall have been concluded, either in writing or by word of mouth, between the owner and purchaser in the intention of transferring and acquiring the property, and that possession shall have been transferred, and not subsequently given up or otherwise lost.

§ 8. The provision in the third paragraph of § 7 is also to be applied to transfers of land between non-natives which may have taken place before this order comes into force.

§ 9. As regards the islands of the Solomon group belonging to the Protectorate, the date of the 28th October, 1886, is to be substituted for that indicated in §§ 6 and 7.

§ 10. Any person claiming land property in the territory of the Protectorate of the New Guinea Company on the strength of titles such as are indicated in § 6 must apply for the registration of his title in the "Grundbuch" before the 1st March, 1888. Claims to title not made good by such application before that date lose all legal validity.

This provision does not apply to claims founded on titles which have been entered, before the date of this law's coming into force, in the "Grundbuch" or Register for Land-acquisitions opened by the Imperial Commissioner.

The acquirers of titles mentioned in the preceding paragraph may, however, on the application of the overseer of the station where the "Grundbuch" is kept, be required by the competent authorities of the "Grundbuch" to apply for the registration of their property in the new "Grundbuch."

For this purpose each proprietor, by a separate order, is to have a delay of at least three months allowed him, and to be officially warned that, on the expiration of this delay, his claim will lose all its legal validity.

§ 11. In the cases indicated in § 10 the application for registration is to be communicated in writing, with vouchers, to the overseer of the station in whose district the "Grundbuch" is kept, and accompanied by a summons to establish, within, at the utmost, three months, any objections which there may be to the registration, founded on the exclusive right of the New Guinea Company to acquire land.

If such objections are raised within the time allowed, the applicant for registration is to be informed thereof, and officially summoned to make good his claim against the New Guinea Company, by legal action, within a strict term of six months.

If the New Guinea Company has raised no objections within the time allowed, the registration is to take place, provided that in other respects the examination of the applicant's title, and of that of any predecessor in title, establishes its legal validity.

To complete proof, the "Grundbuch" authorities can undertake proper inquiry, and also issue a public notice calling upon any persons to lodge any counter-claims. For this purpose a delay of