RECORDS OF THE GERMAN IMPERIAL GOVERNMENT
OF THE
SOUTH SEAS PERTAINING TO MICRONESIA
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CRS G1
ITEM 219-4
Claim - Portusach & Harrison on .
Pagan, Agrigan and Alamagan

1903

Property of
Division of Lands and Surveys
Department of Resources and Development
Trust Territory Government
Saipan, Mariana Islands 96950
ANSPRUCH PORTUSACH & HARRISON
AUF PAGAN,
AGRIGAN UND ALAMAGAN

1903

CLAIM - PORTUSACH & HARRISON
ON PAGAN, AGRIGAN AND ALALAGAN

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CLAIM - Portusach & Harrison on Pagan

Agrigan and Alamagan

1903
Vol.: XVII
Ref.: CRS G1    Item: 219-4    Document: Index: Land Reference

Vol.: XVII
Doc.: 12    Page 41-42    Acquisition for treasury Island Rua

[Text body of the document]

[References and footnotes]

[Signatures and other formalities]
To: The Governor, Herbertshoehe

Date: May 24, 1905 (Herbertshoehe, September 4, 1905)

Subject: Trade taxation

Island: Ponape

Summarization: Traders' fees are, with one exception, usually paid by the firms for their traders:

1. The Jaluit Co. would have to pay, as of the first of the year, Mk. 300.– for one white trader in Pakin.

2. D. Etscheit, for five colored and one white trader in Ponape, to be paid upon his return from Olool: Mk. 800.–.

3. The Spanish firm, for a station in Ponape: approximately Mk. 300.–.

4. Chief Henry Nanpei, for his station in Ponape: Mk. 300.–, upon his return from Europe.

Request to reimburse the Jaluit Co., which has already paid Mk. 300.–, and to cancel the fee for those who have dismissed their traders. Melander has applied to have his establishment taken off the register. He was charged only with trade fee of Mk. 300.–. As the copra has been destroyed on Kusaie also, approval of cancellation of payments is requested.

New regulations are expected in the East Carolines. Meanwhile, it is suggested that three rates be introduced: Mk. 2000.–, 1000.–, and 500.–. With the dissolution of the concession, the following rates are suggested:
1. for firms:

   Category 1: Mk. 5000.-. Jaluit Co.: Mk. 2000.- for trade in Ponape, Ant, Pakin and Kusaie with contracts for deliveries to the navy and the administration. Mk. 3000.- for the atolls, with the exception of the Truk Group and Olol, as per the regulation of March 9, 1901 and the trade regulation. The atolls produced 300 tons of copra from January 1 to December 31, 1902; 310 tons from October 1 to September 30, 1903; 415 tons from October 1 to September 30, 1904.

   Category 2: Mk. 2500.- (Japanese who will go to Truk)

   Category 3: Mk. 800.- (Etscheit & Spanish firm).

2. Mk. 120.- for each trading station and trading person; except islands destroyed by typhoon.

   If the Australian firm and the return of the Japanese can be expected, Category 2 should be replaced by categories of Mk. 300.- and 800.-.

   With the change in the economic political situation, favorable prospects cannot be expected.

Announcement: The typhoon of April 20 has destroyed most of the coconut stock and, thereby the purchasing power of the natives. In view of these considerations, the trade regulation will be restored with proposed object.

Ponape, May 20, 1905

The Acting Imperial Vice Governor, Berg
From: Imperial District Administration, Yap  
To: The Imperial Government, Herbertshoehe  
Date: July 31, 1905 (Herbertshoehe, October 3, 1905)  
Subject: Legislation  
Island: Island District

Summarization: Submits copy of communication to the Foreign Office.

From Imperial District Administration, Yap, to Foreign Office, Colonial Division, August 2, 1905. It has been pointed out previously that it would be advisable to unify regulations on quarantine and trade in the Island District. Regulations of the District Administration of Ponape have already been enacted by the District of the West Carolines.

Both regulations were necessary, and only the so-called Vagabond Regulation made it possible to avoid the emigration of such doubtful characters as Costenoble and Dachsel.

Labor regulation of July 31, 1901 is not desirable. The West Carolines' simpler regulation might be applied in the other districts.
Summarization: Submits regulation concerning the catch of tortoises.

To The Imperial Government, Herbertshoehe

Submits copy.

Regulation concerning the catch of tortoises in the Marianas (in German and Chamorro)

1 A fine of Mk. 100.- or detention is imposed on those who themselves catch tortoises for others without permission.

2 A fine of up to Mk. 200.- or detention is imposed on those who catch tortoises on the beach or on the reefs from February 1 to May 31.

3 Furthermore, the native may be sentenced to forced labor if tortoise eggs or implements for the capture of tortoises are found in the home of the condemned, whether owned by him or not.

5 This regulation will be in force the day of publication.

September 10, 1905 The Imperial District Administration, Fritz
Imperial District Administration, Ponape

The Foreign Office, Colonial Division, Berlin

October 15, 1905 (Herbertshoehe, December 1, 1905)

Subject: Cancellation of regulation concerning trepang fishing.

Island: Ponape

Summarization: The Spanish firm as well as the two German firms agree to cancel regulation of trepang fishing.

Submits announcement:

Regulation of April 10, 1900 concerning prohibition of trepang fishing on reefs and beaches of the island of Ponape is cancelled as of today.

October 15, 1905 The Acting Imperial Vice Governor, Berg
To: The Foreign Office, Colonial Division, Berlin

Date: November 16, 1905 (Herbertshoehe, December 1, 1905)

Subject: Special permission granted to Burns's establishment.

Island: Ponape

Summarization: Lucas, the representative of Burns, asked and received permission, for six months only, to sail from Truk and the small islands to Herbertshoehe. The exported copra will be reported in Herbertshoehe as well as to the administration.

He also reported that the Mission steamer "Morning Star" would not return and that his firm would, therefore, make itself available for this service.

He requested permission to land in Ponape on his way from Jaluit to leave off mail, cargo and passengers. Permission was granted, as the agreement of April 10, 1886 includes mutual trade and traffic.
Summarization: #1 of regulation of October 14, 1899 (August 14, 1900) has been greatly abbreviated in the Colonial Legislation. The approved law is, therefore, that ships owned by persons or firms residing in the old protectorate of New Guinea or the Marshalls may trade in the island district without being submitted to taxation.

Director Lucas was informed that he may trade from the Bay of Blanche to the island district without payment of taxation for foreign ships. Because of the changes in legislation, he was, however, cautioned to obtain information directly from the superior administration.

Requests confirmation by telegram of the interpretation of the legislation.

(Above Document 6 duplicated; see page 46-51 of Document 13)
District Administration, Ponape

The Foreign Office, Colonial Division, Berlin

September 8, 1905 (Herbertshoehe, November 7, 1905)

Regulation on trade establishments

Island: East Carolines

Summarization: Submits regulation on trade establishments in the East Carolines.

An employee of Burns, Philp & Co. has requested information on conditions in order to establish trade in the East Carolines. He informed us at the same time that a steamship, holding 19,800 tons, would arrive to open a trade establishment and that this ship would come four times a year.

It is agreed that Burns, Philp and Co., the Japanese and others would be limited in trade. This is, however, in the interest of German trade which has to be protected. The Australian firm cannot object as long as limits are imposed on all firms.

Requests information.

Regulation on trade establishment in the East Carolines.

Regulation of August 8, 1904 concerning the trade establishment in Ponape, Ant and Pakin as well as Kusaie is applicable in the whole of the district of the East Carolines.
Trading of ships in the district of East Carolines by persons or firms not resident is prohibited.

Contravention is to be punished by a fine of up to Mk. 6000.- which can also be extended to ship and cargo without consideration of the owner.

This regulation is in force on October 1, 1905, at which time will be cancelled:

a. regulation of March 9, 1901 concerning trading in the East Carolines.

b. regulation of October 14, 1899 concerning trading of foreign ships in the Carolines, Palau and Marianas.

September 7, 1905  Vice Governor Berg
From: Imperial District Administration, Ponape
To: Foreign Office, Colonial Division, Berlin
Date: November 13, 1905 (Herbertshoehe, December 1, 1905)
Subject: Trading
Island: East Carolines

Summarization: Following instructions, the attached regulation has been released. According to advice by the Captain of the Mail Ship "Germania", the steamship "Iduna" of Burns, Philp & Co. is in Jaluit and intends to arrive before departure of the Mail Ship. Instruction of the decree has not yet arrived.

Regulation: concerning change in regulation of September 7, 1905 on trading in the East Carolines.

By reason of the Chancellor's order of September 27, 1903, it has been decreed:
The statement of ###2 and 3b of the regulation of September 7, 1905 concerning trading in the East Carolines is rescinded as of today.

September 13, 1905 The Acting Vice Governor, Berg

From the Foreign Office, Colonial Division, Berlin to the Acting Vice Governor, Ponape, January 12, 1906: Since the change of the regulation of September 7, 1905 on November 13, 1905, the conflict with Burns, Philp & Co. has been settled.

It is, however, hardly suitable to bring to the attention of the public two regulations of which the latter rescinds the former.
Therefore, it is requested that two regulations be decreed:

a. the rescinding of the regulations of September 7, and November 13, 1905.

b. denotes the present legal conditions as in attached copy of regulation.

Remittance of certified copy for the Colonial Journal is expected.

From Foreign Office, Colonial Division, Berlin, to the Governor, Herbertshoehe, January 12, 1906: Attached copy for information.

From Foreign Office, Colonial Division, Berlin, to the Acting Vice Governor, Ponape, November 18, 1905: Instructions by telegram of August 22, 1905 have been retained in error in Yap. The legal conditions of the released regulation of September 7, 1905 do not cover the assurances given to the English Government. It is assumed that the regulation of September 7, 1905 has been changed in that:

a. #2 containing prohibition of foreign trade ships has been rescinded,

b. #3b, that annulment of regulation of October 14, 1899/August 14, 1900 has been repealed.

Requests information and answer by telegram.

From Foreign Office, Colonial Division, Berlin, to the District Administrator, Saipan, January 18, 1906: The telegraphic communication concerning prohibition of foreign trade ships in the Carolines, Palau and Marianas has been retained in error in Yap.

Regulation of October 14-August 14, 1900 concerning the trade of foreign ships in the Carolines, Palau and Marianas remains confirmed. In the interest of
unity of the island district legislation, it is requested to rescind the regulation of October 21, 1905.

Regulation of April 23, 1905 on trade licensing has been published in the Colonial Journal.

The number of traders will be limited by the increase of taxation. It is, therefore, requested that the screening at the distribution of licenses be relinquished for the time being. In future, it is requested that regulations, especially those concerning shipping and trade, be submitted. Only in exceptional cases is a deviation appropriate.

To the Governor, Herbertshoehe: Submits copy for information.

From the Imperial German Consul General for Australia, Sydney, to the Imperial Government, Herbertshoehe, March 6, 1906: Burns, Philp & Co. have been informed verbally in conformity with the above letter. Content of the conversation has been confirmed by the firm in a letter of March 5th. It is expected that this information meets with your request.

In English: From Burns, Philp & Co., Sydney, to Paul Von Buri, Esq., Consul General for Germany, Sydney, March 5, 1906: Confirms conversation with representative of Doctor Hahl.

The Imperial District Administration, Saipan
To: The Foreign Office, Colonial Division, Berlin
Date: March 13, 1906
Subject: Capture of tortoises
Island: Marianas

Summarization: An addition to the regulation concerning the capture of tortoises has been published. Regulation in its present form is attached.

To the Imperial Government, Herbertshoehe: Submits copy of report.

Regulation:

#1
A fine of Mk. 100.- or detention will be imposed for the capture or possession of tortoises without permission.

#2
A fine of Mk. 200.- or detention of up to three months for those who capture tortoises:
   a. during the period from February 1 to May 31.
   b. on the beach or on the reef.

#3
Furthermore, tortoise eggs, captive or slaughtered animals and implements may be requisitioned whether those belong to the guilty party or not. Natives may be obliged to work-duty.

#4
The capture of tortoises for professional purposes may be pursued only with written permission of the Imperial District Administration.
A fine of Mk. 500.-- will be imposed on persons without permits.

The regulation is in force the day of publication.

March 13, 1906

The Imperial District Administrator, Fritz
To the Foreign Office, Colonial Division, Berlin, October 21, 1905: Submits regulation of October 21, 1905 concerning trading in the Marianas. In order to safeguard the interests of the natives, limiting traffic of trading ships was not advisable as expressed in communication of September 1, 1901. Since then, conditions have changed.

There are two Japanese firms now besides the German, Pagan Co. The steamship of Jaluit Co. comes regularly which leads to competition of merchandise from Hongkong and Sydney. A Japanese shipper still has a valid license. He has an establishment in Guam. His license is valid until May 11, 1906. This was taken into consideration in #2 of the regulation.

The owner of the license is the Japanese, J. M. Ogawa, previously the partner of the Pagan Co. He left the company on January 1, 1905. Before this, he was manager and partner of the Niki Co. Even after his association with Pagan, certain circumstances point to his collusion with Niki against his company. He arrived here in May 1905 with his own ship and declared that he has started his own business in Guam and wished to open a branch in Saipan.

The regulation concerning trade establishments published April 23, 1904 made it mandatory that license distribution depended on proof of need. Even though the regulation will not be in force until April 1, 1906, it was decided to make use of it now. Ogawa was refused the license for his existing trade establishment and it was left for him to turn to a higher instance. He asked for and obtained a trade license for his ship under the regulation of
August 14, 1900 by the Governor of German New Guinea.

It is assumed that the submitted decree is to be applied to all applicants for trade licenses with the exception of Burns, Philp & Co.

Regulation: concerning trading in the Marianas of October 21, 1905 is hereby rescinded.

January 5, 1906 The Imperial District Administrator, Fritz

Sequence of pages: page 34 - 37 ---- 59 ---- 38.
The Imperial District Administration, Saipan

The Foreign Office, Colonial Division, Berlin

January 5, 1906

Trading

Marianas

Summarization: Regulation concerning trading in the Marianas of October 21, 1906 has been rescinded. Certified copy attached.

To the Imperial Government, Herbertshoehe: Submits above communication.

Regulation: concerning trading in the Marianas.

Trading from ships of non-resident persons or firms is prohibited in the Marianas.

This regulation will be in force on April 1, 1906. Existing licenses will be valid to the time of their expiration.

Regulation of October 14, 1899/August 14, 1900 concerning foreign trade ships in the Island District of the Carolines, Palau and Marianas will be rescinded as far as it concerns the Marianas.

October 21, 1905 The Imperial District Administrator, Fritz

To the Imperial Government, Herbertshoehe, October 21, 1905: Submits copy of communication to the Colonial Division of the Foreign Office.
Summary: Implementation of the death sentence should be transferred to the district administrators in the island district. The unique position of the three district administrations makes this desirable.

The deterrent by blood during Spanish times was widely used in the East Carolines. It is advisable to desist from this practice and replace it by lengthy imprisonment with hard labor. The penal law limits this to five years. It might be increased to 11/12 years of penal servitude with forced labor.

In practice the following difficulties arise: Most cases are dealt with in the highly populated Truk Islands. In order to deal with the many cases, my presence for two months as well as that of the transcriber and assessors is necessary. The two American missionaries have no regard for the law of the German government, as in the Cormoran case.

It is difficult to get the whites, who are dispersed, together. The witnesses have little understanding of time, the more so as conditions of wind change the length of transit. In smaller islands, it would be easier to involve whites who would have, at the same time, the responsibility for maneuvering the schooner—a difficult task in heavy seas.
As a result of the damages by the typhoon, it is out of the question to take any of the few civil servants along.
To: The Governor, Herbertshoehe
Date: March 26, 1906
Subject: Trading
Island: East Carolines

Summarization: While in Truk, the island of Ruo was acquired for the land treasury and Trader Gierow has obtained designated rights according to regulation of March 9/November 14, 1901 that a trading station may be established only with written approval of the Vice Governor. Information requested whether approval may be granted or refused to traders, among them one Englishman, if no longer employed by the Jaluit Co.

Burns and Zarza seem not to be interested in establishing themselves in the concession district, which may safeguard the monopoly. However, contract between Etscheit and the Jaluit Co. may not deter the former from trading in that district. It is assumed that the regulation concerning trading by foreign ships maintains the recent trade regulations.

In case the Japanese wish to establish a station in the concession district or to trade from aboard ship, they will be informed that a change in trade legislation necessitates permission from Berlin. This will grant the Jaluit Co. at least a few months without competition in the concession district.

If instructed by telegram: Yes would mean the exclusion of the Japanese; No their admittance.
Request for information whether the Jaluit Co. will have to pay concession taxes in view of the fact that the steamship "Induna" of Burns collected three tons of copra.
From: The Foreign Office, Colonial Division, Berlin
To: The Governor, Herbertshoehe
Date: February 3, 1906
Subject: Trade regulations for foreign ships

Islands: Island district

Summarization: Paragraph 1 of regulation of October 15, 1899/August 14, 1900 was correctly printed in the Colonial Legislation. In this respect it was decreed: "The determination of the meaning 'foreign' and 'indigenous' ships will be interpreted to imply that the administrations of the new island district of the Protectorate of New Guinea and the Marshall islands are treated as basically separate. The orders of the regulation apply, at this time, to ships owned by a firm from the island district of the Carolines, Marianas and Palau, exclusively active in the island district. It is at the discretion of the Governor or administrators of the three island groups that exemptions to ships be granted in certain cases if they do not fulfill the above qualifications." Therefore, those ships which are indigenous to the old Protectorate of New Guinea and the Marshalls will have to pay a license fee.

There is no reason to change this legislation as the same conditions still prevail, and the present conditions of the Protectorate justify preferential treatment of traders domiciled in the Carolines, Marianas and Palau. Special adjustments can be made in some cases.
From The Governor, Herbertshoehe, to The Imperial Consulat General, Sydney, and The Imperial District Office, Ponape, Yap and Saipan, February 19, 1902:

The Foreign Office, Colonial Division has sent telegraphic information that my interpretation of December 2, 1905 is not correct. Therefore, all ship owners domiciled in the old Protectorate of New Guinea would have to pay the established tax for shore trade in the Island District.

Request to inform Director Lucas of Burns, Philp & Co. with reference to conversation of the beginning of December 1905.

From the Foreign Office, Colonial Division, Berlin to the Governor, Herbertshoehe, June 24, 1900:

Approval to waive increase of tax for foreign ships until information from the Vice Governor and District Administrators of Yap and Saipan have been received. It is requested that all service stations be directed to give full information as soon as possible. Ships of firms not domiciled in the Island District will have to follow instructions arrived at after due consideration.

From the Governor v. Bennigsen, Herbertshoehe, to the Foreign Office, Colonial Division, Berlin, August 14, 1900:

I. The Foreign Office has ordered by regulation of October 14 that the fee has to be considerably increased. The following is, therefore, to be published in the Island District:

Herbertshoehe, August 14, 1900

It is hereby announced that the established fee will be increased as of
October 1, 1900:

Ships of 50 tons: Mk. 300.-

For ships of more than 50 tons: each 25 tons or part thereof: Mk. 100.-

to the maximum of Mk. 2000.-

The Imperial Governor, v. Bennigsen

Request to confirm.

II. Submits above regulation.
Vol.: XVII
Ref.: CRS G1 Item: 219-4 Page: 58
See Document 12, Page 41-42
Vol.: XVII  
Ref.: CRS C1  
Item: 219-4  
Document: 14  
Page: 60-63

From: Imperial District Administration, Ponape  
To: The Foreign Office, Colonial Division, Berlin

Date: June 5, 1905  
Subject: Ships' fees and regulations

Island: East Carolines

Summarization: Attached copy of regulation decreed by the former Vice Governor Dr. Hahl with name added.

Reasons for collecting fee twice were reported December 17, 1901 together with copy of communication of files "Laws & Regulations" which had been lost in the typhoon.

To the Governor, Herbertshoehe: Above submitted with request to send copy of "Ponape Laws and Regulations" inclusive of 1900 or the most important decrees.

From Foreign Office, Colonial Division, Berlin, to Acting Vice Governor, Ponape, January 6, 1905: Submitted certified copy of regulation of November 20, 1900 returned with request to add name of civil servant who released the regulation. With respect to content of regulation, the fee for certification and departure is to be paid only once.

Mention of #4 of harbor regulation of November 23, 1899 must be confused with #5.
Regulation concerning fees of ships reporting in the East Carolines. Ships of over 1000 registered tons will have to pay the fee to enter harbors open to foreign traffic such as the Carolines, Palau and Marianas only once as per regulation of November 23, 1899. The decrease in fee and cost of consulates of the German Empire will be granted to all ships.

This regulation is valid retroactive to August 1, 1900.

Ponape, November 29, 1900, Hahl

Certified November 5, 1904, the Secretary Pieper
Summarization: Regulation concerning recruitment of labor has been published today within the framework of submitted draft. Changes confine themselves to abbreviation of paragraphs 9, 10 and 11 of the draft, whereas exhibition, punishment and validity have been maintained.

Regulation concerning indigent foreigners has not been applied in the Island District.

Regulation: concerning recruitment and transportation of natives of the East Carolines.

#1

Native labor may only be recruited and transported abroad with the written permission of the Vice Governor.

Transportation may only take place to district-miles of the Carolines, Palau, Marianas and Marshalls.

#2

Applications for permission have to be submitted in writing with information on the recruiting person.
Permission will be given for a determined number of workers. It may be refused or, if already granted, withdrawn for reasons of public interest or those of the recruiting person.

Only healthy and able-bodied workers may be recruited.

Recruitment contracts have to be established in writing and have to be made known to the recruit by an interpreter.

Duration of contract may not exceed three years. Contract must establish the kind and place of work, daily work hours, wages and terms of payment, board and lodging, care in case of illness and return transportation.

Prolongation of contract has to be agreed to by the employer and the employee and declaration has to be submitted to the administration of the place of work.

The recruiting person has to present the recruit to the District Administration before starting to work. Permission has to be obtained in duplicate.

Exemption from contract may be granted only if exceptionally high costs are incurred. Workers are to be presented to the District Administration and local administration if used outside the East Carolines.

The recruiting person will receive a copy of the contract inscribed with
number and registration in case permission was granted and the recruit has been medically examined.

The recruiting person has to maintain a disabled worker and have him medically treated. The recruit may be assigned light work if not fully recuperated.

The recruit has to be presented for examination to the administration at expiration of contract which will certify permit for return journey, or, if in need of care, order medical treatment at the expense of the recruiting person.

Workers are to be presented to the local administration before the return journey.

The recruiting person will have to pay Mk. 5.- for each worker for the formalities and Mk. 3.- for the permit.

Recruitment for exhibition of natives is prohibited.

Contravention of these regulations is punishable with retention of up to three months or a fine up to Mk. 500.-.

This regulation is valid the day of publication.

September 12, 1906 The Acting Imperial Vice Governor, Berg
From: Imperial District Administration, Yap
To: The Imperial Government, Herbertshohe
Date: January 1, 1907 (Herbertshohe, March 22, 1907)
Subject: Regulation for the giving of credit
Island: West Carolines

Summarization: Submits copy of draft of regulation on the giving of credit to natives forwarded to the Foreign Office, Colonial Division.

This regulation is submitted in draft form, as District Administrator Senfft has expressed doubts, although fundamentally in agreement with the decree. The Colonial Division agrees with these considerations, questioning the jurisdiction based on a previous Imperial regulation. The urgency of this question makes it necessary to submit the regulation once again.

The consideration deals basically with the question of transgression of the civil law in the Protectorate.

This concept cannot be accepted, as the instruction of the German Law is not always applicable to the legislation of the Protectorate. Certain merchants hold debtors in perpetual serfdom by granting them credit if the District Administration does not intervene. A large number of Chamorros are in bondage to a certain Spanish businessman; it will keep them in continued dependency upon him.

The proposed regulation agrees with the one in the Marianas and East Carolines and provides the same rights for the three Island Districts. It is requested that the regulation be approved, if necessary with procurement of an Imperial
Draft of regulation: concerning the giving of credit to natives and the conclusion of contracts with natives on objects of value within the Island District of the West Carolines and Palau.

#1

The giving of credit to natives is prohibited.

#2

Existing credits have to be reported to the Imperial Court in Yap by________. Unreported claims are not liable to complaint.

#3

Limited or unlimited credit may be granted to native traders who are in continual business relationship with a merchant.

#4

A written contract with natives must be concluded for objects of value above Mk. 500.-. Oral agreements have no validity.

#5

Each party will receive a copy of the contract.

#6

All contracts have to be approved by the Imperial Court in Yap, to whom a copy of the contract is to be submitted.

#7

Contravention is punishable by a fine of up to Mk. 300.- or by detention or by work duty of up to three months.
This regulation is in force the day of publication.

Yap, the........... The Imperial District Administrator
Summarization: With the suspension of the concession of July 2, 1901, effective October 1, 1905, the concession tax of the Jaluit Co. will become redundant, and guidelines for taxation will have to follow the regulation of August 8, 1904. The question arises as to whether the trade establishment in Eten, Truk Group, will be considered an ordinary station of the Jaluit Co. or as a registered trade establishment of Mr. Janssen.

The latter is considered employed by the Truk station of the Jaluit Co. However, he obtains merchandise at a preferential price from the Jaluit Co. after transfer of the station buildings and boats onto his own account. He also gives products to the Company and Etscheit at a certain profit.

Taxes have been raised to March 31 from the Jaluit Co. according to trading station instructions. They have been informed, however, that the decision will be left to the Governor.

Janssen will have reached the rate of Mk. 800.- in the coming year.
Summarization: The regulation for the prevention of dissemination of scale mites does not fulfill the purpose as it is presently formulated. Bananas are exempted from the export prohibition in #1, and they are the main carriers of the pest. Oranges, yams and taro are also affected. Surveillance on board ship is hardly practicable. It is a condition of #2 that palm frond baskets should be withered; however, they are still carriers of scale mites even when dry. It is, therefore, suggested that all export of plants and parts of plants be prohibited from the Island Groups of Yap and Palau. Furthermore, that palm frond baskets and bags not be permitted on board ship. Prohibition of sale of coconut would protect these diminishing plants for food for the natives. Copra is not affected and is free of scale mite.

It is requested that the regulation remain valid as of August 14, 1906. Copy to the Imperial Government submitted.
The Colonial Division, Berlin

The Imperial Government, Herbertshoehe

November 20, 1906 (Herbertshoehe, January 12, 1907)

Subrecent:-

Island:-

Summarization: Submits copy of decree with enclosures for information.
From: The Imperial District Administration, Ponape
To: The Foreign Office, Colonial Division, Berlin
Date: January 28, 1907 (Herbertshoehe, March 22, 1907)
Subject: Regulations: colored workers; personal tax
Island: East Carolines

Summarization: Submits two regulations.
Day of publication will be announced in Jaluit.

Regulation: concerns changes for recruitment and import of colored workers.
To #5 of the Chancellor's decree of September 27 (?) 1903 for the Protectorate is to be added: The above fee is increased to Mk. 20. for Chinese workers under contract for more than two years. The same fee is to be paid if contract is renewed. This order is in force October 1, 1906.

Ponape, January 28, 1907
Imperial District Administrator, Berg

Regulation: concerning changes of regulation for introduction of taxes of August 29, 1898.

#3 is formulated as follows:
Every 16 year old male, resident of the Marshall Islands and not a Marshallese native, will have to pay a personal tax if in residence for more than three months.

To be paid per annum:

a. whites and Russians Mk. 40.-
b. all others Mk. 20.-
Exempted are members of the Mission and their wards; and those Chinese for whom the recruitment fee is paid.

This regulation is in force October 1, 1906.

January 28, 1907

The Imperial District Administrator, Berg

From Imperial District Administrator, Marshalls, to the Imperial Governor, Herbertshoehe, March 23, 1907: Submits modification of regulation of August 29, 1898 concerning introduction of taxation as of January 28, 1907 and modification of regulation concerning the importation of colored workers published in Jaluit February 2nd and in Nauru February 12, 1907.

From the Foreign Office, Colonial Division, Berlin, to the Imperial District Administration, Jaluit, and the Vice Governor, Ponape, November 26, 1906: The importation of numerous Chinese contract workers for the Phosphate Mines on Nauru make it necessary to clarify #3 of regulation of 8/29/98. Accordingly, the Chinese worker is exempt of personal tax.

The increased expenses of the phosphate establishment on Nauru make it necessary to make the concessionaire responsible for an increase in the recruitment fee for Chinese workers. For these reasons the following modifications in the regulations have been drafted. At the same time, personal tax has been increased to Mk. 40. for whites and equal races in order to express, in this area also, the difference between the races.

It is requested that these regulations be published in Nauru, and that their publication be confirmed. Since the Island District of the
Caroline Islands, Palau and Marianas have been united, the administration is now called "the Imperial District Administrator".

As Chinese workers have been imported prior to the announcement, the regulation is retroactive to October 1, 1906.

Nauru is to be instructed as to the registration of workers: lists, duration of contract, occupation and wages.

Duplication: Page 80 & 81

Page 84 & 85: see Document 18, pages 79 & 78 in this sequence.
Implementation of unified regulations

Implementation of the regulation of the Imperial District Administration of Yap of June 28, 1900 on indigent foreigners, which is supported by the regulation of the Vice Governor of Ponape of April 18, 1900 for achievement of unification, presents certain difficulties in view of the divergence of local districts.

The basic uniformity of administrative law, with no flexibility in taking into consideration the differences of so large an area, would only hinder the development of the Island District.

From the Imperial District Administration, Ponape, to the Governor, Herbertshoehe, on April 1, 1907: No addition to the report of November 10, 1904.

From the Imperial District Administration, Yap, to the Imperial Government, Herbertshoehe, December 31, 1906: Submits copy of report of the Foreign Office, Colonial Division, concerning indigent foreigners.

From the Imperial District Administration, Yap, to the Foreign Office, Colonial Division, Berlin, December 31, 1906: A regulation for indigent foreigners is in existence in the West Carolines and Palau as of June 28, 1900; duty to
report is not established in the district. The orders are dependent on the
Vice Governor's regulation of April 18, 1900 and will, therefore, establish
uniformity in the East and West District.

A control of immigration and emigration is also advisable for the implementation
of the population statistics, trade establishments and development.

Statement of Implementation:

Non-natives or foreigners are whites, mixed blood, Japanese, Chamorros,
Chinese, Malaysians, and all people not belonging to the native tribes of the
West Carolines and Palau.

All foreigners residing in the West Carolines and Palau are obliged to report
in writing or in person to the Imperial District Administration in Yap or
the Imperial Station on Palau by March 31, 1907. Minors are to be reported
by their parents or guardians; servants and workers by their employers.

The notification will have to contain:

First and family name
Nationality
Religion
Age
Profession
Place of birth

Married or single
Name, nationality
Religion, Age of the present
husband and children

If German; next of kin at home, military situation.
All foreigners moving into the district will have to report within eight
days to Yap or Palau. Those on other islands will have to report at the first
convenient occasion.

Changes will have to be reported within the same time limits.

Anyone leaving the Island District will have to report future residence.

Duty to report the arrival and departure of minors is incumbent upon their
parents, guardians, and employers.

Contravention of this statement is to be punished by a fine of Mk. 50.-.

September 30, 1906 The Imperial District Administrator

From the Imperial District Administration, Marshall Islands, to the Imperial
Governor, Herbertshoehe, March 24, 1907: Regulation on indigent foreigners
of June 5, 1889 is adequate for the local conditions. Should new regulations
be decreed, it is advisable to add a passage which would include a suitable
deposit for the newcomer.

From Herbertshoehe to the Foreign Office, Colonial Division, Berlin, May 16,
1907: An addition is to be included into the regulation of August 12, 1905
which would mention the uniformity demanded on November 30, 1906. The
registration of arrivals and departures will have to be dealt with in a
further regulation for the Protectorate.

(Footnote by?) The present regulation is deemed adequate. It leaves enough room for interpretation suitable for the Island District. The reports indicate, however, that the supervisors of the services are inclined to maintain jurisdiction within their own districts.

Regulation of the Governor of German New Guinea concerning the immigration of indigent persons. By reason of §15 of legislation for the Protectorate of September 10, 1900 and the decree of the Chancellor of September 27, 1903, it is ordered for the Island District of the Carolines, Palau, Marianas and Marshall Island:

The regulation of the Governor of German New Guinea of August 12, 1905 concerning immigration of indigent non-native persons will also be in force in the Island District of the Carolines, Palau, Marianas and the Marshall Islands.

At this time there are in force:


2. The regulation of the Vice Governor of Ponape concerning the reporting of arrival and departure of established foreigners in the Island District of the East Carolines.

3. Regulation of June 28, 1900 concerning indigent foreigners in the district of the West Carolines and Palau.

4. the statement of implementation of December 30, 1906.

Herbertshohe the........1907 The Imperial Governor
Summarization: Negotiations with the German National Bank in Bremen on the granting of phosphate rights led to applications for special rights to exploit the coal deposits on Babeltaob in the Palau Group. As prospecting is granted anyone, under Paragraph 10 of the mining regulation, it is the requisite of the Treasury to grant special rights for coal.

Certified copy to be published is attached with request for information of the day of publication.

Service station in the Island District have been informed.
1. The Governor, Herbertshoehe
2. The Imperial District Administration, Ponape, Yap, Saipan, Jaluit;

From Herbertshoehe to the Foreign Office, Colonial Division, Berlin, May 13, 1907: I. Regulation of March 6, 1907 concerning the Treasury's special rights to exclusive prospecting and mining of pit-coal and brown-coal in the Island District has been published this day in Herbertshoehe.

(See page 105)

Regulation: By reason of the Imperial Mining Regulation of February 27, 1906
the Treasury is granted exclusive rights over prospecting and mining of pit- and brown-coal for the island district of the Carolines, Palau, Marianas, and Marshall Islands with the exception of third party rights.

Berlin, March 6, 1907

Foreign Office, Colonial Division, Dernburg

Regulation: By reason of #93 of the Imperial Mining Regulation of February 27, 1906, the Treasury of the island district of the Carolines, Palau, Marianas and the Marshall Islands will be granted special rights for the exclusive prospecting for and mining of organic and inorganic phosphates for the islands Angaur, Fais, Grimes, Mang, Assongsong, Medinilla, Saipan, Rota, Truk, Ponape and Kusaie.

Berlin, February 19, 1907

The Foreign Office, Colonial Division, Dernburg

From the Foreign Office, Colonial Division, Berlin to the Governor, Herbertshoehe, February 19, 1907: After receipt of the application by the German National Bank, Bremen, for special rights over organic and inorganic phosphates on the islands of Anagaur, Fais and Grimes, the Government in New Guinea and the District Administration of Yap was informed by telegram not to grant permission to prospect in these islands. Besides these islands, the islands of Mang, Assongsong, Medin, Truk, Ponape, Bikar and Taorgi might possibly have deposits of phosphate. It is in the interest of the Treasury of the Protectorate to maintain the rights to prospect for organic and inorganic phosphates. The reserved right may then be transferred to one contractor for all times or from case to case under still-to-be-determined conditions.
The attached regulation is, therefore, to be published. The districts have received copies.
Summarization: Decree by the Imperial Chancellor concerning different dispositions of the administration of Carolines, Palau and Marianas.

By changing #1 of regulation of July 7, 1899 of the order of administration and jurisdiction in the Carolines, Palau and Marianas, it is hereby decreed: The administration of the Marianas will be, as of April 1, 1899, subordinate to the District Administrator of the West Carolines and Palau. At the same time, the administration of the East Carolines will be taken care of by a District Administrator. The Governor of German New Guinea will maintain the responsibility for the total administration as heretofore. The Governor is authorized to establish stations within the lawful boundaries. They are subordinated to the District Administrators. Other regulations remain in force.

Berlin, September 27, 1907 the Chancellor v. Bulow
The Foreign Office, Colonial Division, Berlin

The Governor, Herbertshoehe

March 25, 1907 (Herbertshoehe, May 16, 1907)

Communication

Jaluit

Summarization: Submits copy of communication from the Imperial District Administration, Jaluit: the regulation for Cameroon has been the subject of an exchange of letters with the Imperial Justice Department. Their opinion is also attached.
From: Jaluit
To: The Foreign Office, Colonial Division, Berlin
Date: September 17, 1906
Subject: Repatriation of servants

Summarization: Attached regulation concerning repatriation of servants. The existing regulation is not adequate for the South Sea Islands.

Regulation: concerning repatriation of servants, etc.

Pending approval of the Vice Governor, Berg, Ponape, as well as the Colonial Division of the Foreign Office, it is ordered:

#1

The employer of a servant is responsible for the repatriation of the servant, even if this is not explicitly mentioned in the contract.

#2

If the dismissal of the employed takes place before the departure of a ship, the employer has the responsibility of maintenance for the employed.

#3

If the employer dies, the employed may not claim further wages. The heirs of the deceased are liable for the free repatriation and maintenance of the employed until such time as he can obtain suitable travel opportunity.

#4

The Imperial Captaincy reserves the right to demand deposit for repatriation of the employed even before the dissolution of the work relationship.
Should gross behavior make dismissal necessary, the employer is still responsible for the above obligations. Damages have to be claimed through legal process.

If the employer and the employed wish to conclude a contract contrary to the above regulations, the approval of the Imperial Captaincy has to be obtained. The latter reserves the right in this case, to demand a deposit of a certain sum. The contract is invalid if no approval has been applied for.

This regulation is in force as of today. Complaints have to be presented to the Imperial Captaincy within four weeks. Validity of the regulation begins in the other islands of the Protectorate the day of publication.

September 13, 1906

The Imperial Captain, Schwabe

From the Foreign Office, Colonial Division, Berlin, to the Imperial District Administration, Jaluit, March 25, 1907. The regulation concerning the repatriation of servants is an incursion into private rights and has to be cancelled. It may be possible to obtain the same results through the regulation for recruitment of colored workers by including conditions of repatriation into the contract. If this is not possible, the question is to be submitted to the Governor, should the regulation for Cameroon of January 8, 1900 be applicable.
From the Imperial Justice Department, Berlin, to the Foreign Office, Colonial Division, Berlin, May 31, 1904: Agrees with regulation of July 23, 1903 by the Imperial Chancellor concerning the jurisdiction of business and disputes of non-natives with natives in the South West African Protectorate. Consideration of the validity of this regulation is based on the assumption that the lawful economic orders transgress the right of law for the whites in the Protectorate. It would be valid, however, only if the Prussian law extended to the relationship between whites and natives; this cannot be assumed. The natives are subordinated to the Imperial regulations. In the absence of such regulation, the German laws are applicable in private judicial relations amongst natives and also in judicial relationships with whites. The jurisdiction in question is, therefore, accountable to guidelines of the Protectorate's law.

It is admitted that, insofar as it concerns the Governor's regulation of Cameroon of January 8, 1900, Europeans recruited for the Cameroon by trade establishments may have obtained private rights to repatriation. If this is the case, the regulation would not be valid, as it would be a mutual agreement arrived at by non-natives and without interference by the Governor. The Imperial regulation of July 19, 1886 referred to here, authorizes the Governor to release regulations within the area of general administration. Within this concern, also falls the prevention of inconveniences such as persons recruited in Europe and terminating service in the Protectorate, are unemployed and wishing to return home. It is for this condition that the regulation was released. However, if the regulation assumes the responsibility of the employer for the repatriation of the employed, the police
would be within their rights to demand the repatriation. And if the employer doesn't follow instructions, the regulation would fall within the area of general administration and the Governor would not exceed his authority.

From the Governor, Herbertshoehe, to the Foreign Office, Colonial Division, Berlin, May 17, 1907: I. The solution to the matter in question can be found in the regulation of August 12, 1905 concerning immigration of indigent and non-native persons. It can be extended to the Island District. The regulation orders that the employer is responsible to the administration for the upkeep and repatriation of a person in his service for a certain time.

Furthermore, the regulation of April 27, 1902 on recruitment of workers may also be applied to colored, Chinese and Malayan servants; this is possible and sufficient. The approval of the administration may include disability care and obligation of repatriation.

II. Copy to the District Administration in Jaluit.

The announcement by the Governor of German New Guinea of September 14, 1906 concerning application of the regulation of February 1, 1905 of the Imperial Chancellor and the monetary affairs in the Protectorate exclusive of German East Africa and Kiautschau will be valid the First of October, 1907 in the Imperial District administration of Jaluit with instructions that:

1. The Imperial Chancellor's regulation becomes valid the same day,
2. that the Governor's order of paragraph 2 of the announcement concerning the accounts of the Imperial District Administration, Jaluit, be included.

Herbertshoehe, April 24, 1907                      The Imperial Governor, Hahl
I. Communication of one certified copy of the regulation of September 12, 1906 to the location of service of the old Protectorate for information and publication.

II. of one copy of the government buildings

III. Letters to firms and Missions: The Imperial District Administration has decreed a regulation on September 12, 1906 concerning the recruitment and transportation of natives of the East Carolines. Copy of the regulation attached.

IV. to the files: (Because of questions by the District Administration concerning immigration of indigent persons into the Island District, the regulation may be changed pending information from the Colonial Division.)
The Imperial District Administration, Yap

The Imperial Government, Herbertshoehe

August 22, 1906 (Herbertshoehe, October 31, 1906)

Scale mite

Subject: Scale mite

Island: Yap

Summarization: Submits regulation of August 14, 1906 on the prohibition of the sale of coconuts and copra for the purpose of trade in Yap. The plant disease, scale mite, has been present for more than ten years and has infected or killed almost all cocopalm stock. The means the German administration has used to fight this situation have been ineffective. Conditions prevalent on Yap are different from the other islands. There is only wild stock of coconut palms which grow close together and are approximately 60 - 70 years old. They don't have the resistance of younger trees. The soil is clay and thus does not absorb the moisture of rain water. The traders shell the coconuts on the beach and thus the valuable humus is lost to the soil.

The natives seldom plant new palm trees, and when they do, they plant them under the old trees. The chiefs have been instructed and seednuts have been provided to be planted under the guidance of the police.

The new yield will be ready in ten years and copra will not be available for export before then. It is important to safeguard the existing crop for food for the difficult years ahead.
From Herbertshoehe, November 3, 1906:

I. Announcement of attached regulation by publication and form letters to firms and Missions

Information to all service locations.

II. Letter to Fritz, Yap.

Regulation: concerning prohibition of sale of coconuts and copra to traders.

#1

For the time being, natives may not sell coconuts or copra from the coconut stock on Yap for trading.

#2

This regulation will be in force on August 15, 1906. Pending contracts will have to be filled by August 20, 1906.

#3

Contravention of this regulation is punishable by a fine of up to Mk. 1000.- or with prison for up to three months; for natives, fine of Mk. 1000.- or forced labor of up to six months.

August 14, 1906 The Imperial District Administrator, Fritz
Summarization: The question arises whether a trade establishment has to pay trade tax for an assistant of the firm. This question is the more urgent as the copra trade has suffered during the last year from natural disaster. The resident and exclusively non-German firms have turned to mother-of-pearl shells. The Japanese firms have attracted a large number of Japanese fishermen into the land; see communication of January 6.

It is requested that professional interpretation be given consideration. The introduced trade taxation is meant for import and export trade and not for local trade; therefore, not for articles produced on the island, or through fishing, hunting, agriculture, or for use in the district.

Therefore, the following are excluded:

a. Taro, yams, potatoes, milk, meat and coconuts as used,
b. Products by the bakery, tannery, tailor, shoemaker, wood and plaid work,
c. Fishing products.

The following trade items will be taxed:

a. Imported merchandise,
b. Products of agriculture, trade, fishing which are produced for export.

Assistants working exclusively for export are, therefore, trade-assistants
for inclusion in trade taxation.

To tax the fishing industry besides is not in contradiction to the above interpretation. Indeed, the tax for this kind of establishment is very low and is not commensurate with income. The mother-of-pearl fishing is now the most important trade industry in the West Carolines after the elimination of copra: estimated at Mk. 1000.- and trepang at Mk. 100.-.

From Herbertshoehne, July 25, 1907

Does not agree with the interpretation of February 5, 1907. The regulation concerns a trade fee and assistants employed in a trade establishment. The trade law establishes the interpretation of resale of mobilia as trade. There is, therefore, no possibility of raising a trade fee even if the turnover takes place outside the district. The Japanese mother-of-pearl fishers cannot be considered assistants in the sense of the regulation. The regulation of March 14 considers the possibility of a tax on mother-of-pearl fishing and leaves it to the administration to set a fee. The concerned fishing establishments have to be examined as to whether they have to pay trade tax even if they take care of packaging their own catch and take care of shipping within the Protectorate.

To the Secretary of State of the Colonial Division, Berlin, April 24, 1907: Submits the above for examination.

Decree: The Island District of the Carolines, Palau and Marianas is authorized to grant pardon for a term of six months for the whole or part of the infliction of punishment as per paragraph 12 of the regulation of November 9, 1900.

2. to be published in Herbertshoehe
3. to the Imperial District Judge of Ponape, Yap and Jaluit
4. to the Imperial Stations in Saipan, Salan and Nauru
5. to the Secretary of State of the Imperial Colonial Office.
Page 146: cancelled
Page 147: duplicate of page 145
Page 148: From Namatanai to W. Wasstrack, July 24, 1907: Requests money order for £3.4 shilling for Mr. Tattersall in Sydney.
Page 149: duplicate of page 145
Page 150: duplicate of page 148
Page 151: duplicate of page 145
Page 152: cancelled.