

# PROCLAMATION<sup>(1)(2)</sup>

## VALIDATING ACTS AND THINGS PERFORMED AND DONE DURING THE BRITISH MILITARY OCCUPATION OF THE COLONY OF GERMAN NEW GUINEA.

**W**HEREAS it is expedient prior to the termination of the British Military Occupation of the Colony of German New Guinea that a Proclamation be issued by the British Military Administrator of the said Colony validating all matters acts and things done in good faith in the exigencies of the British Military Occupation of the said Colony now therefore I Seaforth Simpson Mackenzie Lieutenant-Colonel Acting British Military Administrator of the Colony of German New Guinea by virtue of the powers and authorities conferred upon me do hereby order enact and proclaim<sup>(2)</sup> that the matters specified in the paragraphs set out hereunder and numbered One (1) to Ten (10) inclusive have been validly enacted proclaimed performed executed transacted given granted made and done in the exigencies of the British Military Occupation of the said Colony:—

1. All laws ordinances proclamations or other legislative acts of the Administrator of the Colony of German New Guinea whether or not the same purport to repeal suspend amend vary or add to the laws that were in force in the said Colony at the date of the commencement of the British Military Occupation thereof.

2. All judgments decrees orders decisions or other judicial acts of any person appointed to exercise judicial functions in respect of the laws of the Colony.

3. All ministerial acts performed by any members of the Occupying Force or by any persons in the service of the British Administration of the said Colony done in good faith in the course of their official duties and within the scope of their authorities.

4. Marriages so that no marriage celebrated by the Judge of the Central Court<sup>(3)</sup> of the said Colony or by a District Officer in the service of the British Administration shall be invalidated by reason merely of defect of form or absence of authority in the persons celebrating the said marriage.

5. Any alienation transfer lease or other disposition by the Administrator of any land a right to which had been duly acquired from the German Government.

6. Any leases of land granted by the British Administration of the Colony of German New Guinea other than those included in clause five (5) above.

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(1) Published in *Govt. Gaz.* of 26th August, 1919, and continued in force by the *Laws Repeal and Adopting Ordinance* 1921-1939.

(2) This Proclamation is validated by Section 6 of the *Imperial Indemnity Act* 1920 (10 and 11 Geo. V. C.48): Isaacs J. in *Mainka v. The Custodian of Expropriated Property*, (1924) 34 C.L.R. 297 at p. 302 31 A.L.R. 1 at p. 3.

(3) See Section 7A of the *Judiciary Ordinance* 1921-1938.

## ADMINISTRATION AND GOVERNMENT—

7. Any transfers of land or of leases of land from one private person to another which have been approved by the Administrator and which might otherwise be void for lack of form or of the necessary consent by a public authority.

8. Any resumptions of land by the Administrator for public purposes in accordance with powers reserved upon the original grant of such land.

9. All wills or testamentary dispositions which but for this validation would have been invalid by reason of the lack of any formality to be observed by any public officer or by reason of any defect of power or jurisdiction in any such public officer to attest or record such testamentary disposition provided that such lack of formality or defect was not known to all parties concerned.

10. Any proceedings or juristic acts which might otherwise be invalid because they have been transacted or recorded wholly or in part in some language other than the German language.