

UNITED NATIONS  
TRUSTEESHIP  
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PETITION FROM DR. HEINZ LANGGUTH ON BEHALF OF  
MR. GUSTAV VON HEYER CONCERNING TANGANYIKA

Note by the Secretary-General: In accordance with rule 85 and supplementary rule F of the rules of procedure for the Trusteeship Council, the Secretary-General has the honour to transmit to the members of the Trusteeship Council and to the Government of Italy as the Administering Authority for the Trust Territory of Somaliland, a communication dated 25 November 1952 from Mr. Heinz Langguth on behalf of Mr. Gustav von Heyer concerning the Trust Territory of Tanganyika.

This communication forms a supplement to the petition set forth in document T/PET.2/161.

COPY

Dr. HEINZ LANGGUTH  
RECHTSANWALT

HAMBURG 1,  
Rathausmarkt . Fölsch-Block  
Eingang Plan, 1. Stock

25/th November 1952

by airmail  
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To the  
UNITED NATIONS  
Lake Success  
Fieldstone 7  
NEW YORK

c/o: Victor Hoo, Esq.,  
Assistant Secretary General  
Department of Trusteeship and Information  
from Non-Self-Governing Territories.

Re: Revestment of Property of the Danzig Citizen Gustav von Heyer from  
the Custodian of Enemy Property, Tanganyika Territory.

Ref. No: T/PET.2/161, letter of 28.10.1952.

Sir,

In addition to my application in the above matter forwarded to you on  
20/th October 1952 together with my opinion and supplements, I beg to submit  
the following statements which I ask you, as well, to be good enough to  
pass on to the Members of the Trusteeship Council.

The Hon. The Member for Lands and Mines, Tanganyika Territory, has sent  
a decision to the lawyers of Mr. Gustav von Heyer, Messrs. W.P. Holder and Co.,  
Tanganyika, by letter of 6/th September 1952, copy of which, please, find  
attached.

In the writing of 18/th August 1952 mentioned by The Member for Lands  
and Mines, Messrs. Holder and Co, Tanga, had submitted the principal points  
of my opinion of 21.4.52 which I mentioned in my application of 20.10.52.

The decision of the Member for Lands and Mines represents a fundamental misinterpretation of Law!

1). In the writing of Messrs. Holder and Co, Tanga, dated 18.8.52, which is mentioned in the letter from the Member for Lands and Mines of 6.9.52, it has been submitted in conformity with my opinion of 21.4.52 (section I/1) that the erection of the Free City of Danzig had been provided in articles 100-108 of the Treaty of Versailles. In article 105 of this Treaty of Versailles it is worded in the original english text:

"On the coming into force of the present Treaty, German Nationals ordinarily resident in the territory described in article 100, will ipso facto lose their German Nationality in order to become Nationals of the Free City of Danzig."

The Treaty of Versailles came into force on 10<sup>th</sup> January 1920. It has been ratified by the competent German Legislative Authorities and had been published in the Official Gazette (Reichsgesetzblatt, annual edition 1919, No: 140, page 687 - 1349).

By this, the German Nationals who lived in the territory of the Free City of Danzig as described in article 100 of the Treaty of Versailles, have lost the German Nationality on 10.1/1920 and have become subjects of the Free City of Danzig.

2). Mr. Gustav von Heyer lived in the territory of the Free City of Danzig at the date of the coming into force of the Treaty of Versailles. Mr. von Heyer stated this in his application to the Member for Lands and Mines of 1.9.51. (Ref.No: 37797/97/8)

It is to be gathered from the reply of The Member for Lands and Mines of 14.1.52 (Ref.No: 37797/28) that the Member for Lands and Mines had knowledge of this letter of Mr. von Heyer of 1.9.51.

Consequently Mr. Gustav von Heyer, with the coming into force of the Treaty of Versailles, has lost the German Nationality on 10<sup>th</sup> January 1920, and had become National of the Free City of Danzig.

In reference to his Danzig Nationality the "Heimatschein" (certificate of settlement) dated 7.7.1924, as well as the Danzig Passport of 7.6.1938 of Mr. von Heyer had been produced together with the letter of 18.8.52 of Messrs. Holder and Co, Tanga and together with my application of 20.10.52.

Attached, please, find a further photostat-copy of an official prolongation of Mr. von Heyer's same Danzig passport, dated 16th January 1946<sup>1/</sup> which proves that Mr. von Heyer - according to the regulations of the Treaty of Versailles which had become the regulations of German Law too, (compare: Reichsgesetzblatt, annual edition 1919, No: 140 - possessed only the Danzig Nationality and that he had lost the former German Nationality.

Consequently to these documents, it has been unequivocally furnished proof that Mr. Gustav von Heyer has lost the German Nationality at the date of the coming into force of the Treaty of Versailles and that, since that date, he possesses only the Danzig Nationality. It is not the question of the Nationality of Mr. von Heyer at the date of his birth.

With this, it is proved that the decision of the Member for Lands and Mines of 6.9.52, copy of which is attached, is an obvious violation of Law and that the property of Mr. von Heyer, acquired by great diligence and assiduity within a long-years work of colonisation, has been illegally vested in the Custodian of Enemy Property of Tanganyika.

In my capacity as authorized representative of Mr. Gustav von Heyer, I ask the UNITED NATIONS -- based on the above statements and the material forwarded together with my application of 20.10.52:

to have the decision of the Hon. The Member for Lands and Mines of 6.9.1952 reviewed, and to revest immediately the confiscated property of Mr. Gustav von Heyer.

Yours                      Yours most respectfully  
(Signed)                  H. LANGGUTH

Received at United Nations Headquarters: 2 December 1952

1/ Note by the Secretariat: The above-mentioned photostat copy has been placed in the files of the Secretariat and is available to members of the Trusteeship Council upon request.

C O P Y

The Member for Lands and Mines,  
The Secretariat,  
DAR ES SALAAM.

Ref. No. 37797/97/43

6th September, 1952

Gentlemen,

GUSTAVE VON HEYER

I am directed to refer to your letter of the 18th August, 1952 and to say that the point at issue is, in the opinion of this Government, whether or not your client comes within the definition of a "German National" as defined in section 2 (1) of the German Property (Disposal) Ordinance, Cap.258 of the Laws. If he is a German National in the terms of that definition, then the fact that he was also a citizen of Danzig does not appear to be relevant. It is suggested, therefore, that the onus lies on you to prove on his behalf that he was not a subject or a citizen of Germany on the third day of September, 1939, quite irrespective of his Danzig citizenship. In the meantime, Government is going on the supposition that your client is a German National.

I am Gentlemen,

Your obedient servant,

(Signed) N.H. VICARS-HARRIS

Member for Lands and Mines.

Messrs W.P. Holder and Co.,  
P.O. Box 488,  
Tanga.

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