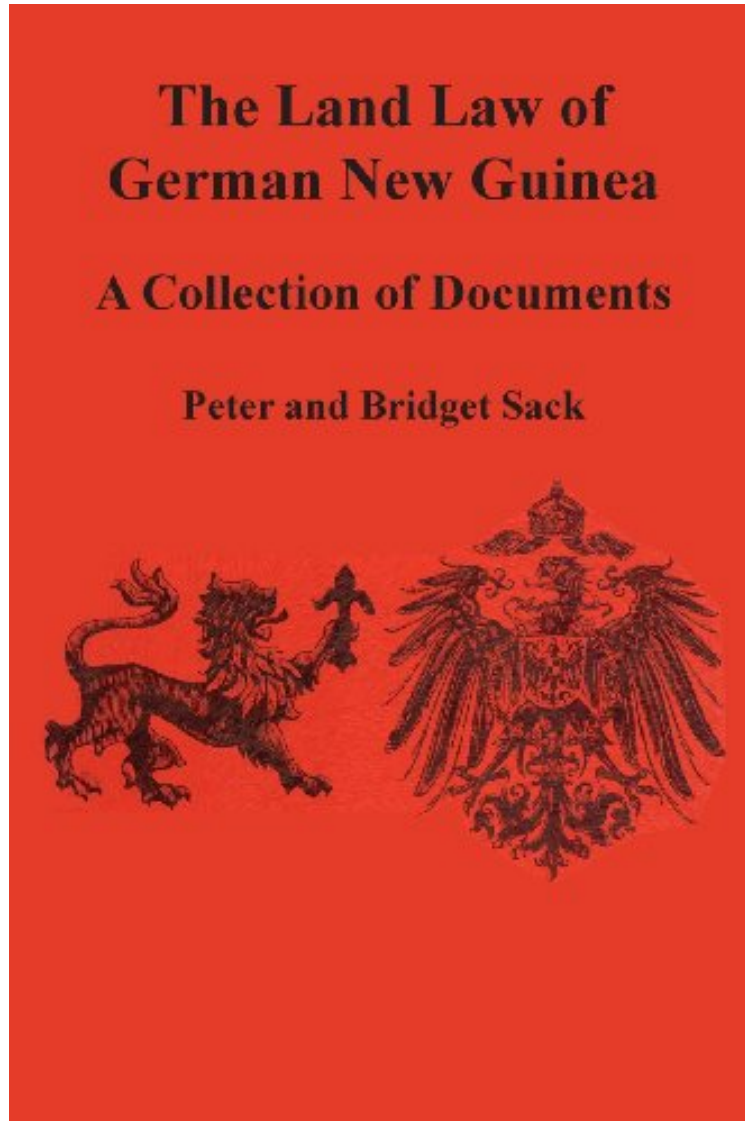


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Disputes regarding ownership of land have occupied much time in the courts of what is now Papua New Guinea. Apart

from disputes between person claiming customary ownership, there have been many notable challenges to titles based on transactions which occurred at about the turn of the century when land was ostensibly acquired by government authority either as ownerless land or from the apparent indigenous owners. When such a transaction has been challenged, the courts have faced a formidable task, especially in the area formerly known as New Guinea. From 1886 until 1921 the law of that country, under which many of the disputed acquisitions occurred, was the German law applicable to what was first a Protectorate and later a colony of the Reich. It is easy enough to accept that the efficacy of those transactions must be tested by reference to the law in force at the transaction but it is seldom appreciated that the courts when so acting are not applying a foreign law but what was the law of the land. Naturally enough, this creates considerable difficulties for lawyers and judges with no knowledge of the German language or of German law and necessarily they have had to rely on English translations, varying in quality, of German texts. This work provides a reliable English text for those concerned with early land acquisitions in New Guinea and a record of an important part of the former law of that country.