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DESCRIBED AS GROUND BREAKING IN KENT MCNEIL S FOREWORD THIS BOOK DEVELOPS AN ALTERNATIVE APPROACH TO CONVENTIONAL ABORIGINAL TITLE DOCTRINE IT EXPLAINS THAT ABORIGINAL CUSTOMARY LAW CAN BE A SOURCE OF COMMON LAW TITLE TO LAND IN FORMER BRITISH COLONIES WHETHER THEY WERE ACQUIRED BY SETTLEMENT OR BY CONQUEST OR CESSION FROM ANOTHER COLONISING POWER THE DOCTRINE OF COMMON LAW ABORIGINAL CUSTOMARY TITLE PROVIDES A COHERENT APPROACH TO THE SOURCE CONTENT PROOF AND PROTECTION OF ABORIGINAL LAND RIGHTS WHICH OVERCOMES PROBLEMS ARISING FROM THE LAW AS CURRENTLY UNDERSTOOD AND LEADS TO MORE JUST RESULTS THE DOCTRINE S APPLICABILITY IN AUSTRALIA CANADA AND SOUTH AFRICA IS SPECIFICALLY DEMONSTRATED WHILE THE JURISPRUDENTIAL UNDERPINNINGS FOR THE DOCTRINE ARE CONSISTENT WITH FUNDAMENTAL COMMON LAW PRINCIPLES THE AUTHOR EXPLAINS THAT THE AUSTRALIAN HIGH COURT S DECISION IN MABO PROVIDES A BROADER BASIS FOR THE DOCTRINE A BROADER BASIS WHICH IS CONSISTENT WITH A RE EVALUATION OF CASE LAW FROM FORMER BRITISH COLONIES IN AFRICA AS WELL AS FROM THE UNITED STATES NEW ZEALAND AND CANADA IN THIS CONTEXT THE BOOK PROFFERS A RECONCEPTUALISATION OF THE CROWN S TITLE TO LAND IN FORMER COLONIES AND A REASSESSMENT OF CONVENTIONAL DOCTRINES INCLUDING THE DOCTRINE OF TENURE AND THE DOCTRINE OF CONTINUITY WITH RARE EXCEPTIONS THE EXISTING LITERATURE DOES NOT PROBE AS DEEPLY OR QUESTION FUNDAMENTAL ASSUMPTIONS AS THOROUGHLY AS DR SECHER DOES IN HER RESEARCH SHE GOES TO THE ROOT OF THE CONCEPTUAL PROBLEMS AROUND THE LEGAL NATURE OF INDIGENOUS LAND RIGHTS AND THEIR VULNERABILITY TO EXTINGUISHMENT IN THE FORMER COLONIAL EMPIRE OF THE CROWN THIS BOOK IS A FORMIDABLE CONTRIBUTION THAT I EXPECT WILL BE INFLUENTIAL IN SHIFTING LEGAL THINKING ON INDIGENOUS LAND RIGHTS IN PROGRESSIVE NEW DIRECTIONS FROM THE FOREWORD BY PROFESSOR KENT MCNEIL TO READ THE FOREWORD PLEASE CLICK ON THE SAMPLE CHAPTER LINK VOL 1 IS A REPRINT OF 1834 EDITION THE CODE OF FEDERAL REGULATIONS IS A CODIFICATION OF THE GENERAL AND PERMANENT RULES PUBLISHED IN THE FEDERAL REGISTER BY THE EXECUTIVE DEPARTMENTS AND AGENCIES OF THE UNITED STATES FEDERAL GOVERNMENT VOLS 65 96 INCLUDE CENTRAL LAW JOURNAL S INTERNATIONAL LAW LIST CONTAINING ALL THE CURRENT DECISIONS OF THE COURTS OF RECORD OF NEW YORK STATE NAMELY COURT OF APPEALS SUPREME COURT NEW YORK SUPERIOR COURT NEW YORK COMMON PLEAS SUPERIOR COURT OF BUFFALO CITY COURT OF NEW YORK CITY COURT OF BROOKLYN AND THE SURROGATES COURTS VARIES SLIGHTLY EXCERPT FROM THE TITLE MARKET OH NO IT IS A BEAUTIFUL DAY BUT EXCELLENCY WILL SAY THAT THE COFFEE IS COLD UNLESS IT IS SOON TAKEN ABOUT THE PUBLISHER FORGOTTEN BOOKS PUBLISHES HUNDREDS OF THOUSANDS OF RARE AND CLASSIC BOOKS FIND MORE AT FORGOTTENBOOKS COM THIS BOOK IS A REPRODUCTION OF AN IMPORTANT HISTORICAL WORK FORGOTTEN BOOKS USES STATE OF THE ART TECHNOLOGY TO DIGITALLY RECONSTRUCT THE WORK PRESERVING THE ORIGINAL FORMAT WHILST REPAIRING IMPERFECTIONS PRESENT IN THE AGED COPY IN RARE CASES AN IMPERFECTION IN THE ORIGINAL SUCH AS A BLEMISH OR MISSING PAGE MAY BE REPLICATED IN OUR EDITION WE DO HOWEVER REPAIR THE VAST MAJORITY OF IMPERFECTIONS SUCCESSFULLY ANY IMPERFECTIONS THAT REMAIN ARE INTENTIONALLY LEFT TO PRESERVE THE STATE OF SUCH HISTORICAL WORKS

## **ABORIGINAL CUSTOMARY LAW: A SOURCE OF COMMON LAW TITLE TO LAND 2014-12-01**

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