

Land Claims Arbitration.

ANALYSIS.

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A BILL INTITULED

AN ACT to confirm and give effect to an Award made under "The Land Claims Arbitration Act 1867."

Title.

WHEREAS by "The Land Claims Arbitration Act 1867" hereinafter called "the said Act" it is enacted that certain land claims specified in the preamble of the said Act of James Busby of Waitangi in the Province of Auckland gentleman should be referred to arbitration as in the said Act mentioned and that the award of the Arbitrators to be appointed under the said Act or any two of them should not be set aside on any grounds whatever And whereas it was provided in the said Act that the only issues which should be referred to and on which an award should be made should be as follows "Is the said James Busby entitled to any and if any to what quantity of land in respect of his said claims at the Bay of Islands Ngunguru Whangarei and Waipu and has the said James Busby suffered special damage in respect to any of the said claims?" And whereas it was further provided by the said Act that it should be lawful for the Governor in satisfaction of the award of the said Arbitrators to issue to the said James Busby a Crown Grant or Crown Grants of any lands comprised within his original claims and remaining unsold and further to issue in respect of the aforesaid claims or damages such amount of land scrip in such form and for such sums as should be awarded and directed by the said Arbitrators which land scrip should be received in payment for any land to be selected by the said James Busby within the said Province of Auckland out of any lands open for sale or selection under the provisions of the laws for the time being in force within the said Province relating to the disposal of Waste Lands of the Crown And whereas Daniel Pollen Samuel Jackson and James Tannock Mackelvie were duly appointed Arbitrators under the said Act And whereas by an award bearing date the sixth day of April one thousand eight hundred and sixty-eight under the hands and seals of the said Samuel

Preamble.

Jackson and James Tannock Mackelvie two of the said Arbitrators
 the said Samuel Jackson and James Tannock Mackelvie did award
 and adjudge as to the first issue referred (firstly) that the said James
 Busby was well entitled to nine thousand three hundred and seventy-
 four acres of land at the Bay of Islands within the boundaries of his
 several claims for land at the Bay of Islands purchased from Natives
 by him as the same are delineated by the plans drawn on Crown
 Grants dated respectively the sixteenth day of May one thousand
 eight hundred and forty-four and registered under numbers eleven E
 thirteen E fourteen E seventeen E eighteen E fifteen E sixteen E ten
 E and twelve E in the Deeds Registration Office for the Province of
 Auckland (secondly) and that the said James Busby was well entitled to
 forty-five thousand acres of land at Ngunguru in respect of his claim
 for land at Ngunguru (thirdly) and that the said James Busby was well
 entitled to ninety-eight thousand and ninety acres of land at Whangarei
 and Waipu in respect of his claim for land at Whangarei and Waipu
 And as to the second issue the two said Arbitrators Samuel Jackson and
 James Tannock Mackelvie did award and adjudge that the said James
 Busby had suffered special damages in respect to his said claims for land
 as follows that is to say at Ngunguru £14,200 at Whangarei and Waipu
 £22,600 and they did award and adjudge him the sum of £36,800
 accordingly And whereas the two said Arbitrators did further award
 and adjudge in terms of the said Act that the Governor should pay the
 costs of the arbitration which they did lay and assess at the sum of
 £380 And whereas the two said Arbitrators did lastly direct that the
 land scrip to be issued in terms of the said recited Act should be in
 the form set forth in the schedule to the said award And whereas the
 said 9,374 acres of land at the Bay of Islands to which the said James
 Busby was adjudged to be entitled by the said award had been conveyed
 to him by the said Crown Grants dated respectively the sixteenth
 day of May one thousand eight hundred and forty-four And
 whereas a large portion of the said lands at Ngunguru and
 Whangarei and Waipu had before the making of the said award
 been sold and disposed of and could not therefore be conveyed by
 Crown Grant to the said James Busby And whereas the Governor has
 paid the said costs assessed at the said sum of £380 and has also issued
 scrip for the sum of £36,800 in accordance with the said award And
 whereas the said James Busby now claims in addition to the said scrip
 to be entitled under the said award to the said land at Ngunguru and
 Whangarei and Waipu And whereas the two said Arbitrators did not
 intend that the said James Busby should have both the said land and
 the scrip awarded in respect of the same and they did not award that
 a Crown Grant or Crown Grants should be made to him of any lands
 comprised within his original claims and then remaining unsold but in
 lieu of the said land and as compensation for the loss of the same and
 for the special damages suffered in respect of the said claims at
 Ngunguru and Whangarei and Waipu the said Arbitrators awarded to
 him the said sum of £36,800 to be paid in scrip as aforesaid And
 whereas in consequence of the said claim so made by the said James
 Busby as aforesaid the Superintendent of the Province of Auckland
 under the powers in him vested by laws for the time being in force
 within the said Province relating to the disposal of Waste Lands of the
 Crown has since the making of the said award withdrawn from sale or
 selection the greater portion of the said lands which were open for sale
 and selection at the time the said award was made And whereas
 it is expedient that due effect should be given to the said award
 and proper provision made for satisfying the same by affording to the
 said James Busby an opportunity of exercising and making available
 his said scrip

BE IT THEREFORE DECLARED AND ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Land Claims Arbitration Act 1869." Short Title.

2. The said scrip so granted to the said James Busby as aforesaid shall be deemed and taken to have been and to be in full satisfaction of all rights claims and demands whatsoever of the said James Busby to or in respect of the said lands at Ngunguru and Whangarei and Scrip granted to be in full satisfaction of Land Claims and damages in respect thereof.

3. The said scrip shall be transferable and may be transferred by the said James Busby by indorsement thereon and the indorsee shall have the same rights and be subject to the same restrictions in respect of the said scrip as the said James Busby would have been or be subject to if he had continued the owner or holder of the same.

4. The said scrip shall be received in payment for any land to be selected by the said James Busby or his assigns within the said Province of Auckland out of any lands which were on the sixth day of April one thousand eight hundred and sixty-eight being the day of the date of the said award open for sale or selection under the provisions of the laws for the time being in force within the said Province relating to the disposal of Waste Lands of the Crown. What lands may be purchased with the scrip.

5. The said scrip shall also be received in payment for land to be selected by the said James Busby and his assigns out of land set apart on the western side of the Bay of Islands under "The Bay of Islands Settlement Act 1858" such selections to be made according to the law now in force for the sale and selection of such lands. Scrip may be exercised in the Bay of Islands Settlement.

6. The whole of the said scrip shall be exercised within twelve months from the passing of this Act and not afterwards And all such scrip not so exercised shall cease to be of any value or to be available for any purpose whatever and the said James Busby and his assigns shall not have any claim or demand or be entitled to any compensation whatever in respect of the non-exercise of the same. Scrip to be exercised within 12 months from passing of this Act.

7. The whole of the said scrip shall be exercised within twelve months from the passing of this Act and not afterwards And all such scrip not so exercised shall cease to be of any value or to be available for any purpose whatever and the said James Busby and his assigns shall not have any claim or demand or be entitled to any compensation whatever in respect of the non-exercise of the same.