

Land Claims Arbitration

A BILL INTITULED

An Act to empower the Governor to submit Title.
certain land claims to arbitration.

WHEREAS James Busby of Waitangi in the Province of Auckland gentleman did in or about the year one thousand eight hundred and thirty-nine and at divers other times purchase from the Native chiefs of the North Island of New Zealand certain tracts of land at the Bay
5 of Islands Ngunguru Whangarei and Waipu in the Province of Auckland in the said North Island of New Zealand for which said land he paid to the said Native chiefs large sums of money and gave other consideration for the same And whereas a considerable portion of the lands so purchased by the said James Busby as aforesaid have
10 been sold by the Government to other persons whereby the said James Busby has been deprived of the same And whereas other complications have arisen And whereas the said James Busby has special claims against the Crown of a nature which are distinct from the claims of any other persons whomsoever And whereas it is expedient
15 that provision should be made for the final settlement of the said claims of the said James Busby in manner hereinafter mentioned

BE IT THEREFORE 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
20 Arbitration Act 1867." Short Title.

2. If within sixty days after the passing of this Act the said James Busby shall by a notice in writing signed by him and attested by two witnesses signify to the Colonial Secretary of the Colony of New Zealand for the time being that he is willing that his claims against
25 the Crown in respect of the matters referred to in the preamble to this Act shall be finally settled it shall be lawful for the Governor any Act or Ordinance of the New Zealand Legislature notwithstanding and for the said James Busby to refer the said matters to arbitration in manner hereinafter mentioned. Reference to Arbitration.

Land Claims Arbitration.

Arbitrators to be
chosen.

3. Within sixty days after such notice shall have been given by the said James Busby as aforesaid two indifferent persons shall be elected and chosen one by each of them the said James Busby and the said Colonial Secretary and such arbitrators shall have power to elect an umpire in case of dispute and the award of the said arbitrators or of the umpire as the case may be shall be final and conclusive and shall not be set aside on any grounds whatever.

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4. That if the said James Busby or the said Colonial Secretary shall neglect or refuse to appoint an arbitrator pursuant to the foregoing provisions for sixty days after the other of them shall have appointed such arbitrator on his part and shall have served a written notice to make the same on the party so neglecting or refusing to make such appointment then the arbitrator appointed by the party serving such notice shall at the request of such party proceed to hear and determine the claims of the said James Busby and in such case the award of such arbitrator shall be final and conclusive and shall not be set aside on any grounds whatever.

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Issue to be tried.

5. The only issue which shall be referred to and on which an award shall be made by the said arbitrators arbitrator or umpire shall be

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?

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Power to take
evidence.

6. The said arbitrators arbitrator or umpire as the case may be shall have power to examine witnesses on oath to determine by whom and in what manner the costs of the arbitration shall be paid and to receive and reject evidence at their discretion and shall also be at liberty to proceed *ex parte* in case the said James Busby or the said Colonial Secretary or his or their solicitors attorney or attorneys after sixty days' notice shall at any time neglect or refuse to attend on the reference without having previously shown to the said arbitrators arbitrator or umpire what they or he shall consider good and sufficient cause for omitting to attend.

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Land Order to be
issued.

7. If the award of the arbitrators arbitrator or umpire as the case may be shall be in favour of the said James Busby it shall be lawful for the Governor to issue to him a Land Order in the form in the Schedule hereto which shall authorize the said James Busby to select within the Province of Auckland to the extent of such award any rural lands which remain unsold and are situate within the boundaries of the lands purchased by the said James Busby from the Native Chiefs of the North Island of New Zealand or which may be within the said Province open for selection under the provisions of the laws for the time being in force within such Province relating to the disposal of the Waste Lands of the Crown. Provided however that the right to make such selection shall be exercised within twelve months from the day on which such arbitrators arbitrator or umpire as the case may be shall make and publish their award shall be deemed to be a final settlement of all and every claim whatever of the said James Busby against the Crown.

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SCHEDULE.

LAND ORDER.

Governor.

By virtue and in exercise of the power vested in me in this behalf by "The James Busby Land Claims Arbitration Act 1867" I hereby authorize

James Busby

of Waitangi in the Province of Auckland gentleman to purchase to the amount of thousand pounds any of the Waste Lands of the Crown in the said Province open for sale or selection without payment in cash therefor subject however in all respects to the provisions in the said Act contained.

Dated the day of

one thousand eight hundred and sixty