

## CASE OF JAMES BUSBY, ESQ.

Arbitrators and the sums to be awarded, the allegations of the said James Busby, and the proofs, vouchers, and documents which have been produced, do hereby jointly, in exercise of the power on us conferred by the third section of the said Act, make and publish our award in writing of and concerning the premises in manner following, that is to say :—

As to the first issue referred, we do award and adjudge—

1. That the said James Busby is 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.

2. That the said James Busby is well entitled to forty-five thousand acres of land at Ngunguru, in respect of his claim for land at Ngunguru.

3. That the said James Busby is well entitled to ninety-eight thousand acres of land at Whangarei and Waipu, in respect of his claim for land at Whangarei and Waipu.

As to the second issue, we do award and adjudge that the said James Busby has suffered special damages in respect to his said claims for land as follows—that is to say, at Ngunguru, fourteen thousand two hundred pounds; at Whangarei and Waipu, twenty-two thousand and six hundred pounds; and we award and adjudge him the sum of thirty-six thousand eight hundred pounds accordingly.

We do further award, adjudge and direct, and determine, in the terms of the said Act, that the Governor do pay the costs of the arbitration, which we lay and assess at the sum of three hundred and eighty pounds. And we do direct that if the said James Busby, do in the first instance, pay the said amount of the said costs, the Governor of the Colony of New Zealand shall forthwith repay the same to the said James Busby.

Lastly, we direct that the land scrip to be issued in terms of the said recited Act shall be in the form set forth in the Schedule hereunder. In witness whereof we, the said Samuel Jackson and James Tannock Mackelvie, have hereunto set our hands and seals, this sixth day of April, one thousand eight hundred and sixty-eight.

SAML. JACKSON,  
JAMES T. MACKELVIE.

Signed, sealed, and delivered, and published the sixth day of April,  
in the year of our Lord, one thousand eight hundred and  
sixty-eight, in the presence of—

William Gorrie, Accountant, Auckland.  
Richard R. Hunt, Clerk, Auckland.

## THE SCHEDULE ABOVE REFERRED TO.

Province of Auckland.

## GOVERNMENT SCRIP.

Issued under the Act of the General Assembly, intituled "The Land Claims Arbitration Act, 1867."

Number Fifty Pounds, £50.

This Scrip shall be received in payment for any Lands to be selected by James Busby, of Waitangi, in the Province of Auckland, within the said Province of Auckland, out of any Lands open for sale or selection under the provision of the laws for the time being in force within the said Province, relating to the disposal of Waste Lands of the Crown.

SAMUEL JACKSON,  
JAMES T. MACKELVIE.

Witness—William Gorrie, Accountant, Auckland.  
Richard R. Hunt, Clerk, Auckland.

## No. 2.

Copy of a Letter from Messrs. S. JACKSON and J. MACKELVIE to Mr. J. BUSBY.

DEAR SIR,— Auckland, N.Z., 15th October, 1868.

In reply to your inquiry, we have to inform you that we awarded you the Bay of Islands land only, from which we withheld the small portions you reconveyed to the Natives, and instead of the Wangarei, Waipu, the Ngunguru land, we gave you the money, which was to be paid you in scrip.

The peculiar wording of the Act of 1867 made it necessary for us to submit it to two legal gentlemen for interpretation, and at their advice the award was drawn in the form which seems to have misled you, and made you suppose that we intended that you should have both land and money.

We have, &c.,

SAMUEL JACKSON,  
JAMES MACKELVIE.

James Busby, Esq., Wellington.