

SYNOPSIS.

				£	s.	d.	£	s.	d.	£	s.	d.
Total awards	...	...	...	55,756	12	1						
				2,412	19	6						
				513	12	0						
Paid in cash	...	...	...	22,795	15	10				58,683	3	7
Paid in scrip	...	...	...	927	15	11						
							23,723	15	10			
Paid in scrip	...	...	...	31,003	7	3						
Paid in scrip	...	...	...	62	10	0						
Scrip not issued	...	...	...				31,065	17	3			
Balance of last Awards	...	...	...				3,442	8	6			
							451	2	0			
										58,683	3	7
										58,683	3	7

No. 2.

MEMORANDUM by the ATTORNEY-GENERAL on the AUDITOR-GENERAL's Report on the Compensation Claims awarded by Mr. Commissioner Beckham.

21st April, 1871.

"THE New Zealand Settlements Act Amendment Act, 1866," enabled the Governor to make regulations for disposal of confiscated lands for any consideration he thought fit. This power, it was considered, authorized a regulation for disposal of land in exchange for scrip issued on settlement of awards made in respect of losses of persons injured in the rebellion. It is true that the Commission to Mr. Beckham was not issued under any express enactment. However, as the Governor was authorized to make a regulation for disposal of land for any consideration, then, as the giving of a settlement of a claim on the Government, though the claim was not one enforceable in a court of law, was perhaps a sufficient consideration, the regulation made by Order in Council dated 3rd day of April, 1867, was, I am inclined to think, valid. However, no question has ever been raised as to its validity. If the regulation was valid, then the mode of arriving at the amount of the claim, namely, by award of a Commissioner appointed by the Governor for the purpose, seems unobjectionable.

As to Mr. Aitken's claim, it seems to me there is no foundation for it. In the first place, the persons whose property was damaged had no legal or equitable claim;—they could only appeal for compensation out of the public funds as a matter of grace. As a matter of grace it was conceded that such sums as should be awarded by a Commissioner appointed by the Governor should be paid out of proceeds of confiscated lands. This never was expressly provided by the Legislature, but it appears to have been well understood that that course would be taken. The proceeds from such sales never enabled this to be done. As a further act of grace, provision was made for allowing the amounts awarded to be received in payment for confiscated lands. This Mr. Aitken could have done, and his assignors could also have done;—having refused or neglected to do so, they have not a shadow of a ground of complaint; the delay has been Mr. Aitken's. Moreover, as Dr. Knight points out, he at any rate has no ground of complaint, even if his assignors had. Theirs has been the loss, or rather they have not got so large a donation out of the public funds as they would have had if the confiscated lands had sold more readily.

J. PRENDERGAST.

The Hon. the Colonial Secretary.