You know how impossible it would be for a Warden, with so many duties of his own to perform, to perform duties he is empowered to authorise other persons to do. He could not sign without inspection, and some of his officers are visited quarterly, others twice a year—the returns being required monthly. And I have ten distinct offices where returns are kept under my charge.

I have, &c.,

The Under-Secretary for Mines, Wellington. H. A. STRATFORD, Warden.

MINUTES ON ENCLOSURE No. 5.

The Controller and Auditor-General.

THE Audit query in question was forwarded to you with my memorandum of the 5th instant.

22nd February, 1897. H. J. H. ELIOTT.

The Under-Secretary, Mining Department.

YES. And though the Warden's interpretation of the Public Revenues Act is not correct, I think that, in the interests of administration, it might have been expected that I should in such a matter have addressed him through you. Any want of respect is perhaps rather my own, but is obviously accidental.

But to the main point. All that is required is that he will sign an abstract or statement of the licenses issued. It is stated in the papers that it is believed that "Mr. Stratford holds that when he peruses the abstracts and finds them correct, that it is complying with section 76 of 'The Mining Act, 1891,' for him to direct the Clerk to forward same and sign for him." If he cannot affix his signature to these statutory abstracts, he could to corresponding abstracts giving the same information; and I should be obliged if you could arrange accordingly.

J. K. WARBURTON,

12th February, 1897. Controller and Auditor-General.

Enclosure 6 in No. 1.

The Controller and Auditor-General. Mines Department, 17th February, 1897.

I FIND that pressure of official business has prevented my replying earlier to your memorandum No. 35 of the 9th instant, and I regret that I should not, in my previous communication of the 6th February, have made myself sufficiently explicit. What I intend to convey to you is as follows:—

1. That I have no desire to be implicated in a controversy between the Audit Department and any individual Warden.

2. That the returns required by section 76 of the Mining Act to be furnished to the Hon. Minister of Mines are for statistical purposes only, and if the Audit Department requires separate information, that department should obtain the returns in such form as it requires.

3. That I have no authority to instruct Wardens as to the manner in which they are to perform any duties that may be imposed upon them by statute, and particularly have I great delicacy in conveying any such instruction to so experienced an officer as Warden Stratford, who has pointed out in a recent communication, which I forwarded to you, the great delay that will be caused in furnishing the returns if he is required to sign each one for the different Courts, some ten in number, over which he presides.

Under these circumstances, I trust that you will see your way to obtain any information you may require for purposes of audit direct from the officers concerned.

H. J. H. ELIOTT, Under-Secretary.

Enclosure 7 in No. 1.

The Under-Secretary, Mining Department.

I CAN safely assure you against the danger of being implicated in any such controversy as you mention; for, so long as the Audit Office is careful not to encroach upon the province of the administration, no such controversy can arise. The Audit Office would not be justified in so far usurping the functions of the administration as to relieve the department from the duty of furnishing the desired statement.

Nothing more is required from the department than a statement signed by one of its officers giving such particulars of the licenses issued as are given in the statutory abstracts; and you, as the permanent head of the department, are asked to see that the statement may be furnished.

You have not been desired to instruct the Wardens how to perform their statutory duties; and your scruples arising from a fear that an attempt at such an instruction might be construed from a direction to furnish the required statement will not, it is suggested, operate against the issue of a direction embodying an express provision to exclude all application to the statutory duty.

I could not read without extreme surprise and regret your explanation of the idea which you had conceived of withholding the returns from the Audit Office. Passing over every question of relevancy or of propriety, it will not be disputed that a general instruction to the officers of a department to furnish separate returns ought to be given by the administration. It would in that case be only through the agency of the department that the Audit could appropriately "obtain the returns in such form as it desires." The department then, on being requested accordingly, would doubtless issue a general instruction; and this general instruction would convey to the Warden the particular instruction which there appears to be so much unwillingness to give, and which the general instruction including it is suggested as the method of avoiding.