

No. 5.

Narration of Debentures issued under "The Aid to Public Works and Land Settlement Act, 1900."

1. Amount issued : £255,000.
2. Date of issue : 4th June, 1901.
3. Date on which debentures mature : 1st April, 1904.
4. Rate of interest : 4 per centum per annum.
5. Interest payable on : 1st April, 1st October.
6. Numbers and value : 1051 to 1310, £100 each, £26,000 ; 1311 to 1408, £500 each, £49,000 ; 1409 to 1588, £1,000 each, £180,000.
7. To whom issued : Public.
8. Interest and principal payable at : Office of Agent-General, London.
9. Treasury record number.

Signed on behalf of the Government of New Zealand, this 27th day of July, 1901.

R. J. SEDDON,*

Colonial Treasurer.

Interest-coupons (six) attached to each debenture.

* The debentures have been signed by the Hon. C. H. Mills.

 No 6.

The Treasury.

THE coupons attached to each of these debentures propose to pay 4 per cent. per annum for interest on every £100 from the 1st April, 1901. As, however, the purchase-money was not received till some time after the 1st April, a payment according to coupon No. 1 of £2 for interest from the 1st April, 1901, to the 1st October, 1901, will result in yielding to the purchaser a higher rate than 4 per cent. per annum on the purchase-money, contrary to the provisions of section 10 of "The Aid to Public Works and Land Settlement Act, 1900."

J. K. WARBURTON,

Controller and Auditor-General.

29th July, 1901.

 No. 7.

The Solicitor-General.

PLEASE advise, for the information of the Right Hon. the Colonial Treasurer, whether, in your opinion, the section quoted operates as a bar against the provision made on the coupon No. 1 attached to the debentures prepared for issue under the Aid to Public Works and Land Settlement Act of last session.

29th July, 1901.

JAS. B. HEYWOOD.

 No. 8.

SEE opinion annexed hereto. Copy prospectus and debenture returned herewith.

FRED. FITCHETT,

Solicitor-General.

12th August, 1901.

Hon. Colonial Treasurer.

 Re *Objection by Audit Office to Half-million Loan.*

IN my opinion, the objection raised by the Audit Office is not sound.

Section 10 of the Act provides that "no debenture shall be sold at a price that will yield to the purchaser a higher rate of interest by the year than four pounds for every hundred pounds of purchase-money." The section is not a new one. For very many years past it has been enacted in every Loan Act, and it is to be presumed that the Legislature uses the same language in the same sense when dealing at different times with the same subject (Maxwell, page 50). Moreover, where a particular construction has long been put upon a clause, and that clause is re-enacted, this construction is to be deemed to be sanctioned by the Legislature (Hardcastle, page 180). These rules and principles of construction are distinctly in point, and show that section 10 must be construed in accordance with the accepted usage and practice in the floating of loans under the Acts containing these sections.

In the issue of loans a uniform practice has always been observed, and I understand from the Treasury that it is not confined to New Zealand, but extends almost universally