

minute of the 21st February it indicated its view that the section referred to did not apply, and, I think, rightly so, for it is confined to items which are in conflict with some statutory limitation or prohibition of payment.

FRED. FITCHETT, Solicitor-General.

6/4/1902.

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No. 19.

For the Audit Office.—JAS. B. HEYWOOD.—9th April, 1902.

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No. 20.

The Hon. the Colonial Treasurer.

Audit Office, 10th April, 1902.

IN acknowledging the receipt of and returning these papers, the Controller and Auditor-General begs leave respectfully to point out that the suggestion of the Minister, in his memorandum to the Solicitor-General of the 7th instant hardly applies to the present case.

The Minister referred for the remarks which the Solicitor-General made in his minute of the 18th March the memorandum of the 12th March which was addressed to the Minister by the Audit Office in connection with its judgment on the question; but those remarks of the Solicitor-General, though they appear to the Audit Office to cast reflection on it, and may reasonably be deemed to have influenced the Treasury, were not forwarded to the Audit Office till after the Government had advised the issue of, and obtained, the Governor's Warrant. It is submitted that, in these circumstances, the Controller and Auditor-General could not well have passed over the remarks in silence, except at the risk of being misapprehended to imply acquiescence.

In every such case, however, the Audit Office concern is only that the expenditure may be charged in accordance with law; and the purpose of the Audit Office memoranda is, as the Controller and Auditor-General would assure the Minister, only to afford assistance to a clear conception of the law.

J. K. WARBURTON,

Controller and Auditor-General.

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