

I am further to inform you that steps should be instantly taken to recover the £10,000 transferred from the Provincial Account by the Provincial Treasurer; and to restrain further action under the warrant quoted by him as his authority, which the Hon. the Colonial Treasurer concurs with you in considering illegal.

The Provincial Auditor, Wellington.

I have, &c.,
JAMES C. GAVIN,
(for Secretary to the Treasury).

No. 40.

Memorandum by the SECRETARY to the TREASURY for the HON. the COLONIAL TREASURER. I HAVE heard incidentally that Mr. Dorset, the late Provincial Auditor, denies the statement that he had issued the warrant of the 27th January (referred to in my memorandum of the 5th February) "without having read the Act."

I repeat, that Mr. Dorset informed me that he had not read the Act. I believe his words were "I have not seen the Act": and I beg to add, that on my asking Mr. Dorset whether he did not think he had committed a grave irregularity, in certifying to a warrant for the whole sum authorized by an Act, without having even read the Act, he stated that he began to see the error he had committed, but that he had been led into it by the knowledge that the Act submitted to the Provincial Council during the previous Session had been drafted by the Attorney-General, and he had supposed that the Act subsequently passed had been prepared in the same way.

Treasury, Wellington, 29th May, 1874.

C. T. BATKIN,
Secretary to the Treasury.

IN THE APPEAL COURT, 11TH, 12TH, 13TH MAY, AND 1ST JUNE, 1874.

ATTORNEY-GENERAL *v.* BUNNY.

Demurrer to an Information by the Attorney-General in which an interim Injunction had been granted by the Supreme Court, Wellington.

Coram.—ARNEY, C. J., JOHNSTON, J., GRESSON, J., and RICHMOND, J.
Mr. TRAVERS in support of the demurrer.

The ATTORNEY-GENERAL in support of the information.

The information was as follows:—

INFORMATION.

In the Supreme Court of New Zealand,
Wellington District.

ON Friday, the thirteenth day of March, one thousand eight hundred and seventy-four, James Prendergast, Her Majesty's Attorney-General in and for New Zealand, on behalf of Her Majesty, informing, showeth unto the Supreme Court,—

1. That the Provincial Council of the Province of Wellington, in a session of the said Council held in January last, passed an Act the short title whereof is "The Bridges, Roads, and other Works Appropriation Act, 1874," which said Act was assented to by the Superintendent on the sixteenth day of January last, and was disallowed by the Governor on the twelfth day of March instant.

2. That by the said Act it is amongst other things enacted that the Superintendent of the said Province is thereby authorized and empowered to expend any sum or sums not exceeding fifty thousand five hundred and fifty pounds in the construction of the several works set forth in the Second Schedule thereto, which said Second Schedule is as follows:—

SECOND SCHEDULE.

| | | | | | | | |
|---|----|----|----|----|---------|---|---|
| Bridges—Ruamahanga (near Te Ore Ore) | .. | .. | .. | .. | £4,000 | 0 | 0 |
| Abbott's Creek (two bridges) | .. | .. | .. | .. | 4,500 | 0 | 0 |
| Roads — Foxton to Sandon | .. | .. | .. | .. | 3,741 | 0 | 0 |
| Roads to open up Paraekaretu Block | .. | .. | .. | .. | 6,000 | 0 | 0 |
| Preliminary Surveys, Deviation Paikakariki Hill Road | .. | .. | .. | .. | 600 | 0 | 0 |
| Tinui to Alfredton and Forty-Mile Bush | .. | .. | .. | .. | 4,000 | 0 | 0 |
| Masterton to Alfredton, through Wangachu | .. | .. | .. | .. | 4,000 | 0 | 0 |
| Lunatic Asylum in Wellington | .. | .. | .. | .. | 7,709 | 0 | 0 |
| School-houses and Teachers' Residences, and Lands for the same | .. | .. | .. | .. | 9,000 | 0 | 0 |
| | | | | | £44,550 | 0 | 0 |
| Preliminary Expenses, Survey, and Removing Snags, &c., Wanganui River | .. | .. | .. | .. | 1,000 | 0 | 0 |
| Contingencies | .. | .. | .. | .. | 5,000 | 0 | 0 |
| | | | | | £50,550 | 0 | 0 |