

which, apart from that section, the Colonial Treasurer could not exercise after 31st March. What are those powers? Among others, to authorise, under section 45, a requisition to be sent to the Audit Office in the form as set out in the Fourth Schedule. The requisition is signed by the Colonial Treasurer, and requires the specified sums to be "issued and paid out of the Public Account." Section 3 empowers the Colonial Treasurer to "issue and pay moneys" during the three months—*i.e.*, issue and pay out of the Public Account—*i.e.*, require the sum to be issued and paid out of the Public Account—*i.e.*, make requisition to the Audit Office under section 45. As soon as the Audit Office issues the order to the bank under section 46, and the Colonial Treasurer signs it, his functions cease. To hold that section 3 prohibits an imprestee from paying after 30th June moneys which have been issued to him out of the Public Account prior to that date would involve consequences that are both inconvenient and absurd. Thus, it would prohibit the Treasury Cashier or any other imprestee from delivering his cheque on the 1st July, although it may have been lying in his cash-box for weeks before, merely waiting for the payee to call for it. The doctrine of principal and agent does not in my opinion apply to the Colonial Treasurer and the imprestee. The latter is not the servant or agent of the former. Both are servants of the Crown; and though the imprestee is in certain respects under the directions of the Colonial Treasurer, yet the functions of both in respect of public moneys are defined by statute and the regulations thereunder, and the imprestee is accountable to the Audit Office. I am therefore of opinion that if, before the close of 30th June, sections 44 and 45 are duly complied with by the Treasury, section 46 is mandatory, and requires the Audit Office to forthwith issue the order on the bank if satisfied on the points mentioned in that section.

It also appears to me that in satisfying itself whether "the issue is within the amount authorised by Parliament" the Audit Office is not concerned with anything except the question of figures—*viz.*, whether the proposed issue would exceed the amount authorised by Parliament. The question whether the services to which the requisition relates are prior or subsequent to 30th June is immaterial. Section 3 of the Act of 1896 contains no such limitation, but refers generally to the services for the year, and merely provides that "no payments shall be made for any services other than those for which provision was made in the respective Appropriation Acts and estimates of the preceding year, or in excess of the scale therein set forth."

Crown Law Offices, 30th June, 1898.

W. S. REID.

No. 8.

The Controller and Auditor-General.

PLEASE see the opinion of the Solicitor-General on the points you have raised. I am directed by the Colonial Treasurer to ask you to give the matter your very early attention, and he feels sure with such a clear expression of opinion before you there will be no further delay in passing the requisition and issuing the bank order, so that the public business may be facilitated.

30th June, 1898.

JAS. B. HEYWOOD.

No. 9.

The Treasury.

Audit Office, 30th June, 1898.

IF the votes and the ways and means would stand it, the Government could, according to the proposals of the Treasury, obtain by means of imprest requisitions before the expiration of the votes public money enough to carry on for months, through the agency of imprestees, the public services for which there is no appropriation. The question is one of payment as well as issue; and the Audit Office is not satisfied "that the expenditure is charged upon the voucher against the proper vote and fund provided by Parliament for the same."

The expenditure is the amount of the [imprest] requisition, and that amount is avowedly required for the purpose mostly of payments after the 30th June.

The [imprest] requisition, being charged to a vote and fund provided by Parliament for payments to the 30th June, and no longer, is not charged to "the proper vote and fund provided by Parliament for the" payments after the 30th June.

The amount of the [Paymaster-General's] requisition should, therefore, be reduced as already required.

By way of an example of what may be the misconception of the requirements of the Public Revenues Act in respect to imprest requisitions, I attach a copy of correspondence with the Mines Department on the subject of an imprest requisition for an advance of £1,000 to the Treasury Cashier.

J. K. WARBURTON,

Controller and Auditor-General.

The Under-Secretary for Mines.

IN view of what payments by the Treasury Cashier, on account of expenditure chargeable to Mines, Miscellaneous, is it proposed that this advance of £1,000 should be made? and are the payments to be made after the 30th June in every case?

28th June, 1898.

J. K. WARBURTON,

Controller and Auditor-General.

The Controller.

THE money is required to meet claims of the Mines Department, some of which are now before the Treasury and some of which may be sent in after the 30th June.

28th June, 1898.

H. J. H. ELLIOTT.