

## No. 7.

His Honor the SUPERINTENDENT, Wellington, to the Hon. the COLONIAL SECRETARY.

SIR,— Superintendent's Office, Wellington, 13th February, 1874.

Referring to my letter of yesterday, *re* Provincial Auditor Mr. Dorset suspended, I now enclose copy of a legal opinion I have since received on the subject.

I am unwilling, however, to act upon it, and submit a warrant for Mr. Dorset's signature without informing you, lest you may think that I am inviting that officer to perform an act in defiance of your suspension. At the same time, I point out to you the great inconvenience to many persons in the Province which is now experienced, owing to the non-certifying to a warrant for payment of moneys due on the 12th instant.

I have, &c.,

WILLIAM FITZHERBERT,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## Enclosure in No. 7.

## LEGAL OPINION.

I AM of opinion that the suspension of the Provincial Auditor, even assuming it to be regular, does not affect his authority to certify in respect of moneys to be issued from the Provincial Treasury.

The Regulations of 1867 leave in great doubt the effect of the suspension authorized by the 24th of these Regulations; whilst the 20th section of "The Civil Service Act, 1866," under which the Regulations are issued, provides "That such Regulations are not in any manner to alter or affect duties which by any Act then or thereafter to be in force are or shall be required to be performed."

But, in any event, the Deputy Auditor has no authority to certify during the mere suspension of the Provincial Auditor. His functions arise only in the case of the death, illness, or absence of the Provincial Auditor (see section 111 of "Provincial Audit Act, 1866"), and cannot be extended to cases not actually provided for by the terms of that Act.

12th February, 1874.

WM. THOS. LOCKE TRAVERS.

## No. 8.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Wellington.

SIR,— Colonial Secretary's Office, Wellington, 16th February, 1874.

I have the honor to acknowledge the receipt of your letter of the 13th instant, with reference to the suspension of Mr. Dorset, and in reply to inform your Honor that, in notifying to the Provincial Auditor that the Hon. Colonial Treasurer had suspended him from duty, that officer was requested, with a view to providing for the conduct of the business of his Department, to notify to the Deputy Auditor that the Provincial Auditor had ceased to act; and that, as the Provincial Auditor has not, so far as the Government is aware, complied with that request, the Government is unable to take further steps in the matter, pending the return of His Excellency the Governor, now hourly expected.

I have, &c.,

WILLIAM H. REYNOLDS,  
(in the absence of the Colonial Secretary).

His Honor the Superintendent, Wellington.

## No. 9.

His Honor the SUPERINTENDENT, Wellington, to the Hon. the COLONIAL SECRETARY.

SIR,— Superintendent's Office, Wellington, 16th February, 1874.

In reply to your letter of this date, just received, I have the honor to state that it is my intention to-morrow to submit a warrant to the Provincial Auditor for his certificate.

I have, &c.,

WILLIAM FITZHERBERT,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 10.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Wellington.

SIR,— Colonial Secretary's Office, Wellington, 23rd February, 1874.

Adverting to former correspondence on the subject, I have to inform your Honor that Mr. B. Smith, who was gazetted as Provincial Auditor for this Province on the 19th instant,