

No. 24.

Premier's Office, Wellington, 22nd August, 1901.

Memorandum for the Solicitor-General.

THE Premier desires to obtain from you, for the information of His Excellency the Governor, your opinion upon the following minutes:—

Whether it was your intention to convey in your opinion of the 21st August: (1.) That the debentures do not declare the security to be other than the Act prescribes which authorises their issue, and that, though the wording is somewhat different, the legal meaning in effect is identical. (2.) That this difference in wording cannot affect the marketable value of the loan, or in any way prejudice the subscribers.

R. J. SEDDON.

No. 25.

Rt. Hon. the Premier.

Yes, such was my intention, and it seems to me to be clearly expressed in the opinion itself; see, for example, the very first paragraph.

FRED. FITCHETT,
Solicitor-General.

22nd August, 1901.

SEEN.—R.—24/8/1901.

No. 26.

IN EXECUTIVE COUNCIL.

HIS Excellency the Governor is recommended, under section 53 of "The Public Revenues Act, 1891," and section 9 of "The Public Revenues Acts Amendment Act, 1900," to sign the attached Warrant deciding that certain debentures under "The Aid to Public Works and Land Settlement Act, 1900," and the expenditure in respect thereof, ought to be charged on the Consolidated Fund, and that the said debentures bearing on their face a statement that they are so charged are in accordance with law, and may lawfully be countersigned and issued accordingly.

R. J. SEDDON.

Approved in Council.—R.—22/8/1901.

ALEX. WILLIS, Clerk of the Executive Council.

No. 27.

RANFURLY, Governor.

WHEREAS by section fifty-three of "The Public Revenues Act, 1891," it is provided that, if the Audit Office declines to pass any issue requisition on the ground that the charges therein are not according to law, the matter in dispute shall be determined by the Governor in Council, having before him the opinion of the Attorney-General thereon: And whereas by section nine of "The Public Revenues Acts Amendment Act, 1900," it is provided that, if any difference of opinion arises between the Audit Office and the Treasury as to the fund, account, or other authority to which any expenditure ought to be charged, the question shall, if in the opinion of the Audit Office it involves a question of law, be determined by the Governor, having before him the opinion of the Attorney-General thereon: And whereas the Audit Office has declined to pass the issue requisition in respect of certain debentures to be issued under "The Aid to Public Works and Land Settlement Act, 1900," by declining to countersign the said debentures on the ground that the charges therein are not according to law, inasmuch as on their face they are expressed to be charged on the Consolidated Fund of the colony instead of on the public revenues of the colony, as provided by the said Act under which they purport to be issued: And whereas by reason of the premises, and on the ground aforesaid, a difference of opinion has arisen as to whether the said debentures and the expenditure in respect of the principal and interest payable thereunder ought to be charged to the Consolidated Fund:

Now, therefore, I, Uchter John Mark, Earl of Ranfurly, Governor of the Colony of New Zealand, in exercise of the hereinbefore-recited powers, and having before me the opinion of the Solicitor-General thereon, and acting by and with the advice and consent of the Executive Council of the said colony, do hereby determine the said matter in dispute and