

Treasury Board Over-rulings.

AUDIT OFFICE, OTTAWA, March 5, 1895.

SIR,—I have your letter of the 1st instant in answer to mine of the 28th ultimo regarding the Larke tickets.

Very likely my explanation of your question as I understood it, was not very full or clear. My recollection of the purport of your question is that you wished to know whether it was a question upon which the opinion of the Minister of Justice was required. I intended to convey that such an opinion was not required, that the point involved being one of certificate only, the question came before the Board under section 32, subsection (c) instead of subsection (a). In my view of the case, and with the law as it is, you will see that it could not have occurred to me that there might be a doubt in your mind as to whether the question was one which should or should not be forwarded to me for report.

In writing to a department declining to pass an application and stating the additional vouchers required I do not usually give fully my objections, because the department as a rule adopts my view. It is only when an appeal is made to the Board and after the papers are forwarded to me from the Board that my objections are stated at length and supported by such general principles or sections in the Audit Act, as seem to apply.

You will see therefore that I cannot well do as you suggest, but that there is no object in doing so, as every appeal from my decision has under the Audit Act, to be sent to me for report.

To save correspondence, I have sent to your office for the Larke file so that I may be in a position to make the necessary report. I hope to be able to forward the report this afternoon or to-morrow.

I am, sir, your obedient servant,

J. L. McDOUGALL, A.G.

The Secretary, Treasury Board.

The undersigned Minister of Trade and Commerce has the honour to submit for the consideration of His Excellency the Governor General in Council the following:—

An Order in Council bearing date the 25th August, 1894, was passed appointing Mr. J. S. Larke a Commercial Agent, and authorizing payment for his services at the rate of \$3,000 per annum and "the usual travelling and living expenses."

About the 1st December last Mr. Larke was, by instruction of the then Minister, ordered to remove to Australia to act as Commercial Agent there.

On the 30th November the Minister telegraphed to the Canadian Pacific Railway, District Passenger Agent at Toronto as follows:—"Mail to Larke, Oshawa, to-morrow, tickets "Australia, per arrangements. Send account in detail Ottawa, will remit cheque."

About the 6th of the same month Mr. Larke left with his family for Australia and in due course the Canadian Pacific Railway Agent at Toronto forwarded in terms of the Minister's telegram an account for the tickets to Sydney. This account was in due course forwarded to the Auditor General with the request that a cheque be issued wherewith to pay same. He objected on the ground that removal expenses could only be paid on authority of the Governor in Council.

Under date of January 31st, an Order in Council was passed authorizing payment of this account which was again returned to the Auditor General with the request that cheque be issued. At the same time it was initialed by the Minister under whose authority the tickets had been procured. He again returned the account declining to pay without its being certified, to by Mr. Larke:—Vide copy of his letter hereto attached.

Seemingly all requirements of law and regulations have been complied with. Section 33 of the Audit Act provides,