

I am again to express the Colonial Treasurer's regret that the department is to be deprived of your services, and to state the Government will be prepared to recommend the acceptance of your resignation so soon as your leave of absence shall have expired.

The Hon. W. Gisborne,
Government Insurance Commissioner.

I have, &c.,
C. T. BATKIN.

No. 25.

The Hon. W. GISBORNE to the Hon. the COLONIAL TREASURER.

SIR,—

Government Insurance Office, Wellington, 18th January, 1876.

I have the honor to acknowledge the receipt of your letter of the 31st ult., in reply to mine of the 29th November, 1875, tendering the resignation of my office, and to thank you for the offer of three months' leave of absence on full salary previous to the final acceptance of such resignation.

In reply to your request, I would specify the 1st March next as the date on which my leave of absence, with a view to retirement, may commence; but as another complete year of my service will end on the 12th July next, I have the honor to request that, in consideration of all the circumstances of my official services, my leave of absence may be so far extended as to meet that date, and thus allow me to count another year's service in the calculation of my retiring pension.

I have, &c.,
W. GISBORNE.

The Hon. the Colonial Treasurer.

THE Hon. Mr. Gisborne appears to be in error in supposing that the extension of his leave will enable him to count further period of service. Section 6 of "The Civil Service Superannuation Act, 1858," provides that, in making the computation, any leave of absence in excess of six weeks in each year shall be deducted from the term of service for which allowance is claimed. Will the Law Officers be good enough to advise on the point?—C. T. BATKIN.—19th January, 1876.

I THINK that the meaning of the section alluded to is that the total number of days in excess of six weeks in each year shall be deducted from the total period of service, not that such number of days shall be deducted from the last or any particular year of service. The words of the section are: "shall be deducted from the period during which he shall have held such appointment."—W. S. REID.—1st February, 1876.

THE opinion of the Solicitor-General is in precise accord with that expressed in my minute. I suggest that Mr. Gisborne's leave be extended, if he continues to desire it, to the date mentioned, and that he be informed that, while the Government is willing to accede to his request, the extension cannot affect the term of service for which he proposes to claim allowance.—C. T. BATKIN.—2nd February, 1876.

I CONCUR.—H. A. ATKINSON.—2nd February, 1876.

No. 26.

Mr. C. T. BATKIN to the Hon. W. GISBORNE.

SIR,—

The Treasury, Wellington, 27th February, 1876.

I have the honor, by direction of the Colonial Treasurer, to acknowledge the receipt of your letter of the 18th ultimo, specifying the 1st March next as the date on which you desire that the furlough granted to you should commence, and expressing your wish that the period of leave should be extended to the 12th July, so as to enable you to complete another year's service, with a view to include that period in the term of service for which you propose to claim retiring allowance. In reply, I am to point out to you that, as "The Civil Service Superannuation Act, 1858," section 6, provides that, in making the computation for retiring allowance, any leave of absence in excess of six weeks in each year shall be deducted from the term of service for which allowance is claimed, the extension of your leave of absence will not effect the object you desire to attain.

I am at the same time to state that the Government will willingly accord to you the extension of leave for which you ask, should you desire it on other grounds.

The Hon. W. Gisborne.

I have, &c.,
C. T. BATKIN.

No. 27.

The Hon. W. GISBORNE to the SECRETARY to the TREASURY.

SIR,—

Government Insurance Office, Wellington, 4th February, 1876.

In reply to your letter of the 2nd instant, I would respectfully point out that you seem to have overlooked the provisions of the Civil Service Amendment Act of 1861, which authorizes, after seventeen years' service, an additional allowance "for every complete year of such service." I would also submit that leave in any one year over and above six weeks cannot reasonably be held to annihilate that year of service in respect to claim for pension; but that the law intends that the aggregate surplus of leave in every year should be deducted from the aggregate of years' service.

Under these circumstances, it seems to me that the extension of leave so as to include my current year of service will prevent the sacrifice of the eight months of the year during which I have actually served.

I have, &c.,

The Secretary to the Treasury.

W. GISBORNE,
Government Insurance Commissioner.