



# The Royal Gazette.

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FREDERICTON, N. B., WEDNESDAY, APRIL 28, 1875.

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Official Notifications appearing in this Paper, duly authenticated, are to be received as such by the persons whom they may concern



BY AUTHORITY.



By His Honor The Honorable Samuel Leonard Tilley, C. B., Lieutenant Governor of the Province of New Brunswick.

S. L. TILLEY.

## A PROCLAMATION.

WHEREAS some person did on the night of the twenty fourth day of April instant, at the City of Saint John, unlawfully and maliciously assault and inflict grievous bodily harm upon J. Walter Scammell, Esquire;

I do therefore publish this Proclamation, and do hereby offer a Reward of

FIVE HUNDRED DOLLARS,

to be paid to any person giving such information as may lead to the conviction of the person guilty of said offence.

Given under my Hand and Seal at Fredericton, the twenty eighth day of April, in the year of our Lord one thousand eight hundred and seventy five, and in the thirty eighth year of Her Majesty's Reign.

By Command of the Lieutenant Governor.

JNO. JAS. FRASER.

## PROVINCIAL APPOINTMENTS.

JAMES A. HARDING, Esquire, to be High Sheriff of the City and County of Saint John.

Peter Daigle to be Labour Act Commissioner for the Northern District of the County of Kent, in room of John B. Richard, resigned.

By Command of the Lieutenant Governor.

JNO. JAS. FRASER.

Secretary's Office, 28th April, 1875.

The Treasury to the Colonial Office.

(Copy)

## RE-EMPLOYMENT OF PERSONS WHO HAVE BEEN PENSIONED UNDER THE SUPERANNUATION ACT.

TREASURY CHAMBERS,

22nd December, 1871.

SIR,—I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Earl of Kimberley, that the attention of their Lordships has been called to the necessity of some further measures, in order to give due effect to the 11th Section of the Act 22 Vic. cap. 26. The Section in question is in the following terms:—

“Every person to whom a Superannuation or Compensation Allowance shall have been granted before he shall have attained the age of sixty years shall, until he has attained that age, be liable to be called upon to fill, in any part of Her Majesty's dominions in which he shall before have served, any public office or situation under the Crown for which his previous public services may render him eligible,

and if he shall decline when called upon to do so, to take upon him such office or situation, or shall decline or neglect to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the Compensation or Superannuation Allowance which had been granted to him.”

The cases in which a Pension already granted may be forfeited under this section, may be divided into two classes—

1. Cases in which a Pensioner, being under 60 years of age, and in a competent state of health, declines an offer of suitable employment under the Crown.

2. Cases in which a Pensioner having accepted an offer of employment under the Crown, subsequently resigns it before attaining the age of 60, and being still in a competent state of health to perform the duties required of him.

As regards the first class of cases, my Lords request that every case of this kind may be immediately reported to this Board, in order that my Lords may be enabled to judge of the sufficiency of the evidence offered respecting the state of the Pensioner's health, and to take such further steps (if any) as may be necessary in that behalf.

As regards the second class of cases, I am desired to state that my Lords hold that an Officer re-called under the said section to the Civil Service is in just the same position as if he had never left it, with this single exception, that whenever he retires with the Certificates and under the circumstances prescribed by the Act, the Pension formerly awarded to him will revive, or (so far as it may not have been suspended by the 20th Section of the Act 4 & 5 William IV, cap. 24) will continue, and will constitute the minimum which he has then to receive as a retiring allowance.

My Lords request, therefore, that if any Officer who has been recalled to duty in your Department, desires to resign his situation before he is 60 years of age, or permanently disabled, he may be expressly cautioned, that his resignation, if persisted in, will entail the loss of the Pension which has been granted to him in respect of his previous services. In the event of the Officer persisting in his resignation, after receiving such a warning, my Lords request that the circumstances of the case may be immediately reported to this Board, in order that the necessary steps may be taken to enforce the forfeiture of the Pension.

My Lords wish it to be distinctly understood, that in order that an Officer should be entitled to retain a Pension, if he resigns the office in which he has been re-employed before attaining the age of 60 years, it is necessary that he should produce such a Medical Certificate as would, with reference to the terms of the 10th Section of the Superannuation Act of 1859, justify this Board in awarding him a Superannuation Allowance.

In the event, therefore, of a re-employed Pensioner tendering a Medical Certificate of ill health in connection with the resignation of his appointment, my Lords request that before such Certificate is acted upon, it may be forwarded to this Board, together with a statement of the circumstances attending the resignation, and an expression of the opinion of your Department on the merits of the case, in order that my Lords may be in a position to judge whether the case is one in which the Pension may properly be allowed to revive or continue.

I am, &c.

(Signed)

WILLIAM LAW.

R. G. W. Herbert, Esq., Colonial Office.