

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
16th October, 1905.*

Rt. Hon. R. J. Seddon.

GERHARD JOHN MUELLER ENABLING.

ANALYSIS.

Title. Preamble. 1. Short Title.	2. All salary as Chief Surveyor to be deemed to have been paid out of moneys appropriated by Parliament.
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A BILL INTITULED

AN ACT to remove certain Technical Defects relating to Gerhard John Mueller's Status and Service as a Civil Servant. Title.

WHEREAS Gerhard John Mueller, who was recently retired from the offices of Assistant Surveyor-General and Commissioner of Crown Lands for the Land District of Auckland by reason of age, was appointed Chief Surveyor of the County of Westland by the Governor on the tenth day of January, one thousand eight hundred and seventy-one, under the provisions in that behalf of section eighteen of "The Westland Waste Lands Act, 1870": And whereas by section eight of the said Act it was provided that the said Chief Surveyor should be paid by the Colonial Treasurer out of the Land Fund of the said county such salary as should from time to time be authorised by the General Assembly: And whereas the said salary was duly appropriated by the General Assembly until the thirty-first day of December, one thousand eight hundred and seventy-four: And whereas by reason of the premises the said Gerhard John Mueller whilst such appropriations continued was a member of the Civil Service, and as such was entitled to the benefit of the superannuation provisions of the Civil Service Acts: And whereas by arrangement made between the Provincial Government of Westland and the General Government the General Assembly appropriations ceased on the thirty-first day of December, one thousand eight hundred and seventy-four, and thereafter the salary was appropriated by the Westland Provincial Council until the abolition of the provinces, when it was again appropriated by the General Assembly, but at a time when the aforesaid superannuation provisions were no longer in force: And whereas it has been held that the legal consequence of the change from General Assembly to provincial appropriations was that the said Gerhard John Mueller ceased to be a member of the Civil Service and was thereby deprived of the benefit of the afore-

said superannuation provisions : And whereas there is good reason to believe that such consequence was not contemplated by the General Government when the change was made, but that, on the contrary, it was supposed that his status as a Civil servant would remain unaffected : And whereas by petition presented to Parliament during the last preceding session the said Gerhard John Mueller prayed for relief, and the Public Petitions Committee reported that in its opinion the petitioner was only prevented by a technicality from receiving a pension, and that the Government be requested to introduce legislation, if necessary, to remove the technical difficulty :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is "The Gerhard John Mueller Enabling Act, 1905."

All salary as Chief Surveyor to be deemed to have been paid out of moneys appropriated by Parliament.

2. For all the purposes of "The Civil Service Act, 1866," and its amendments, all salary paid to the said Gerhard John Mueller in respect of his office as Chief Surveyor from the thirty-first day of December, one thousand eight hundred and seventy-four, shall be deemed to have been paid out of moneys appropriated to that office by the General Assembly, and his rights and privileges under those Acts shall be ascertained accordingly.