6. Nothing in this Act shall take away or restrict the Authority of the Governor of *British Columbia*, with the Advice and Consent of the Legislative Council thereof, to make Laws for the Peace, Order, and good Government of *British Columbia* either before or after the Union; nor shall anything in this Act interfere with the Exercise of any Power that would have been exerciseable by Her Majesty in Council if this Act had not been passed. Nothing to restrict Authority of Governor, &c.

7. Until the Union *British Columbia* shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of *America*, to the West by the *Pacific Ocean* and the Frontier of the *Russian* Territories in *North America*, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the *United States* Northwards by the *Rocky Mountains* and the One hundred and twentieth Meridian of West Longitude, and shall include *Queen Charlotte's Island* and all other Islands adjacent to the said Territories, except *Vancouver Island* and the Islands adjacent thereto. Boundaries of British Columbia until Union.

8. After the Union *British Columbia* shall comprise all the Territories and Islands aforesaid and *Vancouver Island* and the Islands adjacent thereto. Boundaries of British Columbia after Union.

9. The Acts described in the Schedule to this Act are hereby repealed; but this Repeal shall not invalidate any Order in Council or other Instrument issued under the Authority of those Acts or either of them, or any Act done or Right or Title acquired by virtue of those Acts or of either of them or of any such Order or Instrument. Acts in Schedule repealed.

SCHEDULE.

Acts repealed.

21 & 22 Vict. c. 99. - - -	An Act to provide for the Government of British Columbia.
26 & 27 Vict. c. 83. - - -	An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

CAP. LXVIII.

An Act to amend the Law relating to the granting of Pensions and Superannuation Allowances to Persons holding certain Offices connected with the Administration of Justice in *England*. [6th *August* 1866.]

'WHEREAS by divers Acts of Parliament Power is given to the Lord Chancellor to order Retiring Allowances to be paid, under certain Circumstances and upon certain Conditions, to Persons holding various Offices in the Courts of Chancery and in Bankruptcy and Lunacy respectively:

'And whereas it is expedient to extend that Power, and to make further Provision for the granting Retiring Allowances to Persons holding Offices connected with the Administration of Justice in *England*:'

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

1. The Term "Officer" in this Act shall extend to and mean any Person holding any Office in or connected with the Court of Chancery, or in Bankruptcy or Lunacy, or in or in any Manner connected with any of Her Majesty's Superior Courts of Common Law at *Westminster*, and who, under any Act now in force, may, on Retirement, claim a Superannuation Allowance as herein-after defined, and the same Term shall also extend to and include every Person holding any Appointment in any public Office whatever to whom the Lord Chancellor has or shall have Authority to order any Superannuation Allowance to be paid:

The Term "Superannuation Allowance" shall extend to and mean every Kind of Pension or Annuity which, under any Act of Parliament now in force or to be hereafter passed, the Lord Chancellor has or shall have Authority to order to be paid, or which the Commissioners of Her Majesty's Treasury have or shall have Authority to appoint or direct to be paid, to any such Officer as aforesaid:

The Expression "Lord Chancellor" shall mean and include the Lord High Chancellor of *Great Britain* and the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the Time being.

Applications by retiring Officers to be made to the Lord Chancellor, who shall transmit the same to the Treasury to examine and award.

2. From and after the passing of this Act, on the Retirement or Removal of any Officer afflicted with any permanent Infirmity disabling him from the due Execution of his Office, or otherwise in a Condition to claim Superannuation Allowance on Retirement, such Officer, or in case of his Inability to act for himself then any Person on his Behalf, may make Application by Petition to the Lord Chancellor, setting forth his Service and Emoluments, in such Form and with such Particulars as the Lord Chancellor shall direct; and the Lord Chancellor, if he shall think fit to approve of such Application, shall transmit the same to the Commissioners of Her Majesty's Treasury for their Examination and Award; and the said Commissioners shall thereupon proceed to inquire into the Claim of such Officer to Superannuation Allowance, and, if he shall appear to be entitled thereto, shall award to him such Superannuation Allowance as shall be properly payable.

If such Superannuation Allowance is payable out of Monies voted by Parliament, the Commissioners of Her Majesty's Treasury shall direct the Payment thereof.

Lord Chancellor to direct Payment when payable out of Funds under his Control.

If it is payable out of any Fund in Chancery, Bankruptcy, or Lunacy, or any other Fund under the Control and Administration of the Lord Chancellor, a Certificate shall be transmitted by the said Commissioners to the Lord Chancellor, to the Effect that Proof has been given to their Satisfaction that the Conditions required by Law to enable the Lord Chancellor to grant such Superannuation have been duly fulfilled, and setting forth the Amount awarded, whereupon it shall be lawful for the Lord Chancellor to order Payment to be made accordingly.

Mode of determining Superannuation Allowance.

3. In ascertaining and awarding the Amount of such Superannuation Allowance, as regards any Officer who may have entered the Public Service before the passing of this Act, the said Commissioners shall have regard to any special Provisions which may be contained in any Act with reference to the Office held by such Officer, and subject to any such special Provisions they may take into consideration the whole Period during which such Person shall have been employed in any Office or Situation connected in any way with the Public Service, whether the same shall have been in One only or in more than One Branch or Department; and as regards all Officers hereafter to be appointed, the said Commissioners shall proceed according to the Principles laid down in the Act passed in the Session of the Fourth and Fifth Years of His Majesty King *William* the Fourth, intituled *An Act to alter and consolidate the Law regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, as amended by the Act passed in the Session of the Twenty-second Year of Her Majesty's Reign, intituled *An Act to amend the Laws concerning Superannuation and other Allowances to Persons having held Offices in the Public Service.*

4 & 5 W. 4. c. 24.

22 Vict. c. 26.

Lord Chancellor may declare Offices to be professional, and with Consent

4. It shall be lawful for the Lord Chancellor to declare by Writing under his Hand, with respect to any such Office or Appointment as aforesaid, that the same is an Office or Appointment for the due and efficient Discharge of the Duties of which Professional or other peculiar Qualifications, not ordinarily to be acquired in the Public Service, are required,

required, and that it is in the Interest of the Public that Persons shall be appointed thereto at an Age exceeding that at which Public Service ordinarily begins; and further, with the Consent of the Commissioners of Her Majesty's Treasury, to order and direct that when any Person now holding or to be hereafter appointed to such Office or Appointment, or any of such Class of Officers, shall retire from Public Service, a Number of Years, not exceeding Twenty, to be specified in such Order, shall, in computing the Amount of Superannuation Allowance which may be granted to him, be added to the Number of Years during which he may have actually served, and such Order shall have the same Effect, and shall be acted upon for the Purpose of ascertaining and awarding the Amount of such Superannuation Allowance as aforesaid, in the same Manner in all respects as if a like Declaration had been made by any Order or Warrant of the said Commissioners of the Treasury under the Provisions contained in Section Four of the "Superannuation Act, 1859." of Treasury to add Years to Services.

5. From and after the Time when any such Superannuation Allowance shall have been so ascertained and awarded as aforesaid, all the Provisions of the said Act of the Fourth and Fifth Years of King *William* the Fourth, as amended by the said "Superannuation Act, 1859," respectively, with respect to any Superannuation Allowances which may have been granted under the said Acts, and to the Persons entitled to receive such Superannuation Allowances, shall be applicable to the Superannuation Allowances so ascertained and awarded as aforesaid, and to the Persons entitled to receive the same, subject nevertheless to the special Provisions of this Act. Superannuation Allowances to be subject to Provisions of 22 Vict. c. 26.

6. Nothing in this Act contained shall restrict, abridge, or qualify the Right of any Officer who shall have entered the Public Service before the passing of this Act to any Superannuation Allowance which, under the Provisions of any Act or Acts now in force, such Officer might have been entitled to if this Act had not passed; nor shall any such Officer as last aforesaid be subject, after any Superannuation Allowance shall have been awarded to him, except by his own Consent in Writing for that Purpose given, to any of the Provisions contained in the said Act of the Fourth and Fifth Years of King *William* the Fourth, as amended by the said "Superannuation Act, 1859," to which he would not have been subject if this Act had not passed. Officers entitled to Superannuation before passing of this Act not to be affected.

7. Nothing in this Act contained shall affect the Power conferred upon the Lord Chancellor by the Forty-seventh Section of the Act passed in the Session of Parliament held in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled *An Act for the Relief of the Suitors of the High Court of Chancery*, so far as it empowers the Lord Chancellor to remove any Officer or Person who shall be afflicted with any Infirmity which shall disable him from the due Execution of his Office, and who shall refuse to resign or shall become incapable of resigning the same. Act not to affect Power of Lord Chancellor as conferred by Sect. 47. of 15 & 16 Vict. c. 87.

8. Nothing in this Act contained shall affect the Power conferred on the Lord Chancellor by the Thirteenth Section of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled *An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates*, so far as it empowers the Lord Chancellor to remove any Master in Lunacy who shall be afflicted with any permanent Infirmity disabling him from the due Execution of his Office, and who shall refuse to resign or shall be incapable of resigning the same. Act not to affect Power of Lord Chancellor as conferred by Sect. 13. of 16 & 17 Vict. c. 70.

9. Save as herein-before provided, this Act shall apply as well to all Officers who have already entered the Public Service as to those who may hereafter enter the Public Service; and all Acts of Parliament now in force, by virtue of which any such Superannuation Allowances as aforesaid may be granted, shall henceforth be construed and take effect subject to the Provisions of this Act. Save as aforesaid, Act to apply to present and future Officers.

10. This Act may for all Purposes be cited as "The Superannuation Act, 1866." Short Title.