

MAGEE, J.A., said that, whether or not anything but questions of fact was involved, and whether or not an appeal on questions of assessment was intended to be allowed, the matter in controversy for the purposes of an appeal from the decision of the Divisional Court was not shewn to exceed \$4,000.

Reference was made to City of Toronto v. Toronto Electric Light Co. (1906), 11 O.L.R. 310; Canadian Pacific R.W. Co. v. City of Toronto (1909), 19 O.L.R. 663; Beardmore v. City of Toronto (1910), 2 O.W.N. 479; Fréchette v. Simoneau (1900), 31 S.C.R. 12.

Application refused.

HIGH COURT DIVISION.

LENNOX, J.

AUGUST 14TH, 1915.

WELSH v. TORONTO POLICE BENEFIT FUND.

Pension—Benefit Society—Toronto Police Force—Dismissal of Member — Board of Police Commissioners—Investigation without Notice—Rules of Society—Failure of Committee to Comply with—Judgment—Declaration of Right to Pension and Allowance.

Action for a declaration that the plaintiff was a member in good standing of the defendant society, a benefit or friendly society, registered under the Insurance Corporations Act, 1892, and had completed a service as a member of the Toronto police force which entitled him to retire and receive a half-pay pension for life, with an additional allowance for each year of service.

The plaintiff joined the force on the 28th February, 1886, and his service was continuous from that date until the 28th April, 1914, when he was said to have been dismissed by an order of the Board of Police Commissioners.

The action was tried without a jury at Toronto.

M. K. Cowan, K.C., for the plaintiff.

D. T. Symons, K.C., for the defendants.

LENNOX, J., read a judgment in which he dealt with the facts and said that the plaintiff was not entitled to retire in the autumn of 1911 on the ground of ill-health. There was no