

the widow's dower would be calculated on the basis of the value of the land irrespective of whether or not the mortgage was given to secure purchase money. I can see no reason for such a distinction, and this affords, I think, an additional reason for construing sec. 1 of the Act of 1879 as I have construed it.

I am, for these reasons, unable to agree with the opinion of my brother Middleton, and am of opinion that the appeal should be allowed and that there should be substituted for the declaration which he made a declaration that the respondent is entitled to dower in the purchase money of the mortgaged land after deducting from it the amount which remained owing on the mortgage at the time of her husband's death, and there should be no order as to the costs of the appeal or the costs of the proceedings before my brother Middleton.

HON. MR. JUSTICE TEETZEL and HON. MR. JUSTICE KELLY agreed in the result.

HON. MR. JUSTICE RIDDELL.

MAY 13TH, 1912.

DE LA RONDE v. OTTAWA POLICE BENEFIT FUND
ASSOCIATION.

3 O. W. N. 1282.

*Insurance—Police Benefit Society—Action for Retiring Allowance—
By-laws of Association—Plaintiff Forced to Resign from Police
Force—Right to Pension.*

Action by plaintiff, formerly Chief of Police of Ottawa, to recover \$1,000 retiring allowance under by-laws governing their pension fund. In February, 1910, the Board had forced plaintiff to resign. One of the draft by-laws of the Association provided that no member should be entitled to retire who was in good health and capable of performing his duties.

RIDDELL, J., *held*, 21 O. W. R. 997, 3 O. W. N. 1188, that the above by-law had never been adopted by the Association, but in any case it had no application to a case of involuntary resignation.

After further judgment had been reserved in hope that parties might reach a settlement, *held*, that judgment should be entered for plaintiff for \$1,000 and costs.

Continuation from 21 O. W. R. 997; 3 O. W. N. 1188.

HON. MR. JUSTICE RIDDELL (13th May, 1912):—The parties not having agreed, I now dispose of this case.