

missioners of Police, subject, in case of differences, to the result as stated in section 10."

"18. So far as the funds of the association will provide . . . the following scale of benefits at retirement and death respectively shall be paid to members of the association in good standing (or their representatives . . .) who are not in arrears for dues or other authorised assessments towards the benefit fund:"—

(A scale is set out.)

A clause, No. 19, was introduced to cover the case of the plaintiff, then the Chief Constable.

"19. Any member who joined the police force previous to the 1st day of March, 1905, and who at that date had attained the age of 50 years, shall upon retiring be entitled to one month's pay (as at date of such retirement) for each year of service, but shall in no such case receive more than the sum of \$1,000."

Other provisions are:—

"24. Any member who is compelled to resign by reason of illness shall have his case considered by the board of trustees, subject to the approval of the Board of Commissioners of Police."

"26. Any member of the association who may be dismissed from the police force for cause by the Board of Police Commissioners shall immediately thereupon cease to have any interest in the fund of the association, and shall not be entitled to any gratuity or benefit therefrom."

These were adopted, perhaps informally, but nevertheless adopted in fact, by a meeting of the force in December, 1909—except the last clause in sec. 10, which was objected to and not adopted.

In 1910, the plaintiff was asked for his resignation, and he refused: the Board of Commissioners sent their secretary to see him and force him to resign—"no compulsion but you must"—and the plaintiff did resign. The Board accepted his resignation and spread in their minutes a fulsome commendation of the resigning Chief (22nd February, 1910).

In March, 1910, at a meeting of the trustees of the fund, it was moved, seconded, and carried to strike out the words, "but in no case shall a member be entitled to retire who is in good health and capable of performing his duties" from sec. 10. I think this was wholly unnecessary, as that clause had not in fact been adopted at any time. This resolution was approved by the Board of Commissioners of Police in May, 1910. I cannot see that either the board of trustees of the fund or the Board