

police force agreed to establish and maintain a superannuation and benefit fund for the benefit of the members of the force and their families. Many, if not all, signed a declaration accordingly, directing their officers (named) to become incorporated under the Ontario Insurance Act, under the name of "The Board of Trustees of the Ottawa Police Benefit Fund Association."

The trustees did not obtain such incorporation, but the members of the force contributed to the fund according to a prescribed plan; and at length, in March, 1907, the acting trustees applied under the Benevolent Societies Act, R.S.O. 1897 ch. 211, for incorporation under the name of "The Ottawa Police Benefit Fund Association." The application was certified under sec. 3(3) of the Act by the County Court Judge, and filed on the 11th March, 1907; and there is no doubt that the effect of sec. 3(5) is to form a corporation.

In the application appears the following: "6. That the by-laws and regulations governing the said corporation and the members thereof shall be approved of at the first annual meeting of the said corporation after the incorporation thereof, or at any general meeting of the members called for that purpose, provided that said by-laws shall not contain any particulars or provisions which are contrary to law."

Mr. Sinclair, a solicitor in Ottawa, was employed to draw up by-laws, etc., and did so, making use where he thought proper of the regulations previously drawn up, but not used as by-laws, etc., of a corporation.

The by-laws drawn up by Mr. Sinclair contained the following:—

"10. Every application for a retiring allowance, gratuity, or aid, must come before the board of trustees, when the whole circumstances of the case will be fully gone into, and a report on the case sent in for the sanction of the Board of Commissioners of Police; and in case of differences between the trustees and the Board of Commissioners of Police, the trustees shall be heard in person by the said Board of Commissioners of Police, and, if possible, concurrence arrived at: but, in case of failure to concur, the judgment or decision of the Board of Commissioners of Police shall be final; but in no case shall a member be entitled to retire who is in good health and capable of performing his duties."

"14. The Chief Constable shall be treasurer of the fund, but no money shall be paid out of said fund by him unless ordered by the board of trustees and sanctioned by the Board of Com-