

File No. 16343 Continued.

insurance and seeing that it is paid.

The result of this ruling is that, under Section 10 the member is guaranteed his full salary for a year in case of injury in the discharge of his duties, and under Section 11 he is guaranteed \$500 for his family in case of death in the discharge of his duties. Under Section 12 the Fire Commissioners effected an insurance which provides him \$5 a week in case of injury, whether in the discharge of his duties or not, and \$50 for his family in case of death resulting from accident, whether in the discharge of his duties or not. This \$5 a week is payable directly to the member and the \$500 provided by Section 12 is payable directly to the family of the member; but if the \$5 is paid, then the Fire Department should not pay the member his full salary in addition, under Section 10, but should pay him the difference between the \$5 a week and his full salary; in other words, he gets his full salary, as provided in Section 10 - \$5 of it comes from the insurance effected by the Fire Department and the balance directly from the City.

If a member of the Fire Department is injured in the discharge of his duties, of course he will only get the \$5 per week from the insurance company, under Section 12; if he dies as a result of injuries and his family receives the \$500 from the insurance company, under Section 12, then they are not entitled to receive an additional \$500, under Section 11. If for any reason they should fail to get the \$500, under Section 12, and the deceased was killed in the discharge of his duties, then the family would be entitled to receive \$500 directly from the City, under Section 11.

This interpretation, I think, carries out the spirit of these three sections and their real meaning, because I cannot think that it ever was intended that a man should be paid more when he was sick and doing nothing than when he was on duty. If the member gets his full salary, Section 10 is complied with, even though \$5 of that salary per week comes from the insurance company, and if his family gets the \$500 intended to be provided by Section 11, it can make no difference to them whether it is paid out of the