



CHAPTER 161

An Act to amend the act to incorporate the Montreal Police Benevolent and Pension Society

[Assented to, the 2nd of May, 1935]

WHEREAS the Montreal Police Benevolent and Pension Preamble.

Society, incorporated by the act 55-56 Victoria, chapter 90, has, by its petition, represented that the said act no longer meets its requirements and that it is expedient to amend the same in order to permit the Society to attain the object for which it was formed; and

Whereas it is expedient to grant its prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 5 of the act 55-56 Victoria, chapter 90, is 55-56 Vict., c. 90, s. 5, replaced by the following: replaced.

"5. The rents, revenues and profits of the corporation shall be exclusively employed and expended in paying the expenses of administration and for all other purposes contemplated in this act. How rents, etc., to be employed.

The monies received by the corporation shall be deposited in a chartered bank located in Montreal. Depositing of monies.

Any sum not required by the corporation for current affairs shall be invested in accordance with the provisions of article 981*o* of the Civil Code. Articles 981*p*, 981*q* and 981*r* of the Civil Code shall apply to such investments." Investing of certain sum.

2. Any person, to be a member of the corporation, must be a member of the Montreal police force. Membership.

55-56 Vict.,
c. 90, s. 6,
replaced.
Powers, etc.,
of corpor-
ation.

3. Section 6 of the said act is replaced by the following:

"6. The corporation shall have perpetual succession and may:

a. Sue and be sued before the courts;

b. Acquire, accept and receive under any title whatsoever, gratuitous or onerous, *inter vivos* or by will, all sums of money, all properties, both moveable and immoveable, and the same may sell or otherwise alienate and dispose of; borrow and give its moveable and immoveable property as security for any loan."

55-56 Vict.,
c. 90, s. 7,
replaced.
Making, etc.,
of by-laws
by board of
directors.

4. Section 7 of the said act is replaced by the following:

"7. The board of directors may, at any time, make, amend or repeal by-laws:

a. For its proper government and administration;

b. For the admission of members, their expulsion, or the striking of their names from the roll of active members;

c. To fix the amount of contribution to be paid by the members, as well as the amount of aid to be paid to members who are sick or unable to work;

d. To fix the amount of assistance to be granted to the widows and heirs of members; the time when such assistance shall be payable, and the contribution which, for this purpose, may be exacted from the members;

e. To fix the amount of rewards and pensions to be granted to members for long service, good conduct and other reasons considered deserving;

f. To establish on what conditions any assistance, aid, reward or pension may be granted;

g. To come to the assistance of members who are aged, sick, disabled or incapable of performing any remunerative work;

h. To recover from members in arrears the cost of the collection of such arrears;

i. To administer the affairs of the corporation and generally for all other objects within the limits of its powers;

j. To require from every new member of the corporation, in addition to any other contribution, an initial fee not exceeding twenty-five dollars;

k. To require, if necessary, from every person in receipt of any benefit from the corporation, whether as assistance, reward or pension, whether such benefit has been granted by judgment or otherwise, an annual contribution calculated on the amount of the benefit received, but which shall not exceed in percentage that which the active members will be called upon to pay;

l. To establish separate funds (*caisses*) for each object for which the corporation was created, and also a reimbursement fund (*caisse*), if need be;

m. To define the powers and duties of its officers;

n. To amend or repeal existing by-laws."

5. Section 8 of the said act is replaced by the following: 55-56 Viet., c. 90, s. 8, replaced.

"**8.** The board of directors may impose in every by-law that it is authorized to make under this act, for each and every breach of such by-law, a fine not exceeding five dollars." Imposing of fine for breach of by-law.

6. Section 9 of the said act is replaced by the following: 55-56 Viet., c. 90, s. 9, replaced.

"**9.** The board of directors may appoint all officers, delegates, servants and other employees it may deem necessary for the proper management of the corporation and the management of its property and affairs, and grant them such remuneration as it may deem suitable." Appointing of officers, etc.

7. Section 11 of the said act is replaced by the following: 55-56 Viet., c. 90, s. 11, replaced.

"**11.** The affairs of the society shall be carried on and administered by a board of directors composed of eight members, of whom six shall be elected at the annual general meeting and another chosen each year among the pensioners by the board of directors of the society at the first meeting held after the annual general meeting, but until the annual meeting of the month of February, 1936, the affairs of the society shall be carried on and administered by the members forming the present board of directors as enacted by section 23c." Number, etc., of board of directors.

Within the thirty days following the coming into force of the act 25-26 George V, chapter 161, the board of directors shall choose one of the pensioners, who, until the election of the month of February, 1936, shall have the right to be present at every meeting of the board but with the right of discussion only." Choosing of non-voting director.

8. Section 12 of the said act is replaced by the following: 55-56 Viet., c. 90, s. 12, replaced.

"**12.** Five members of the board shall form a quorum." Quorum.

9. Section 13 of the said act is replaced by the following: 55-56 Viet., c. 90, s. 13, replaced.

"**13.** The director of the police department, whether a member or not of the police force, shall be a member and chairman of this board." Chairman.

10. Section 16 of the said act is replaced by the following: 55-56 Viet., c. 90, s. 16, replaced.

Remaining
members of
board.

"16. The other six members of the board must include three police officers and three constables elected by all the members."

55-56 Vict.,
c. 90, s. 18,
repealed.

11. Section 18 of the said act is repealed.

Id., s. 19,
replaced.

12. Section 19 of the said act is replaced by the following:

Approval
required
for by-laws.

"19. Every by-law adopted by the board of directors has to be approved by the city of Montreal if the latter contributes to the funds of the corporation, and by the Lieutenant-Governor in Council on the recommendation of the Superintendent of Insurance of this Province, and until so approved it shall be without effect."

55-56 Vict.,
c. 90, s. 21,
replaced.

13. Section 21 of the said act is replaced by the following:

Unseizability of cer-
tain sums.

"21. Every sum of money granted by the corporation as assistance, aid, reward or pension to its members or to any other person, shall not be seizable.

Restriction.

This provision shall not apply to any sum owing under another head."

55-56 Vict.,
c. 90, s. 23,
replaced.

14. Section 23 of the said act is replaced by the following:

Prescription of cer-
tain claim.

"23. The right to claim the amount of any indemnity, assistance, aid, pension or reward, payable to the widow, or heirs, of a deceased member, is prescribed by twelve months from the date of its becoming due. No action may be brought after the expiration of the said twelve months."

55-56 Vict.,
c. 90, ss.
23a-23i,
added.

15. The following sections are added after section 23 of the said act:

Fiscal
period.

"23a. The fiscal period for the corporation shall be the calendar year.

Annual
meeting.

"23b. The annual meeting of the members of the corporation shall be held on the first Wednesday of the month of February, and, if that day be a holiday, on the following juridical day. The place and hour of holding the meeting shall be determined by a resolution of the board of directors.

Next annual
meeting.

"23c. The next annual meeting of the corporation shall be held on the first Wednesday of February in the year 1936, and the term of office of the present members of the board of directors shall be extended to that date.

"23d. At every annual meeting the vote shall be by ballot in the manner determined by the by-laws. Voting by ballot.

"23e. The annual meeting shall be called by the secretary of the corporation, ten days at least in advance, by notice posted up by the secretary in the central office of the corporation and in each police station. How annual meeting called.

"23f. The annual meeting shall be presided over by the director of the police department, and, in his absence, by any member chosen by the meeting. President thereat.

"23g. The financial report of the corporation for the period ending on the preceding 31st of December must be submitted and read to the meeting. Reading of financial report.

Such financial report must have been previously audited by the auditor of the city of Montreal, and bear his certificate. Auditing of same.

In all cases, the auditor of the city of Montreal shall be auditor for the corporation. Auditor.

"23h. Any vacancy in the board of directors must be filled within thirty days by a resolution of the board of directors. Filling of vacancy in board of directors.

Every member elected to fill a vacancy shall be elected only for the balance of the then current year. Term.

Every member of the board of directors shall be qualified for reëlection. Reëlection.

"23i. The city of Montreal may contribute, out of its revenue, towards the funds of the corporation and bind itself by contract so to do for a fixed number of years." Contribution by city of Montreal.

16. The board of directors shall also have power, by by-law, to reduce by one-third the amount of any benefit granted as pension to any person in virtue of the by-laws of the society passed before the coming into force of this act, whether such benefit has been granted by a judgment or otherwise, provided that the amount of the benefit be not reduced to less than four hundred dollars per annum. Reducing of benefit.

17. The legal costs and other expenses incurred in connection with this act by the pensioners shall be paid out of the funds of the Montreal Police Benevolent and Pension Society, which society shall remit the said amount to the representatives of the said pensioners. Costs of act.

18. This act shall come into force on the day of its sanction. Coming into force.