

## CHAP. 89

## An Act to amend the charter of the Montreal Firemen's Benefit Association

[Assented to 4th June, 1910]

Preamble.

**W**HEREAS the Montreal Firemen's Benefit Association has, by its petition, represented that to promote the interests of the association and to secure its better administration, it is necessary to amend its charter, the act 7 Edward VII, chapter 114, 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:

7 Ed. VII., c. 114, s. 10a added. **1.** The following article is added after article 10 of the act 7 Edward VII, chapter 114:

Certain articles of C. C. shall apply. **"10a.** Articles 2485 to 2491 of the Civil Code concerning declarations, concealment and warranties in matters of insurance shall apply to the admission of members into the association."

Id., s. 11 replaced. Who may become members.

**2.** Article 11 of the said act is replaced by the following:

**"11.** The following members of the Montreal fire brigade, to wit: Louis Alfred d'Amours, Avila Perrault, Louis Sans-Cartier, Arthur Galipeau, H. Savignac, Arthur Sans-Cartier, E. Paquet, Jos. Tremblay, Moïse Pion, Zénon Terreault, Alcide Ducap, Jean-Louis Gauthier, Stanislas Robitaille, and George Goyette, being than thirty years old, and also any person who may be appointed chief of the Montreal Fire Brigade at the age of more than thirty years, and in cases of annexation of municipalities to the city of Montreal, the firemen of such municipalities, who are more than thirty years old and who have at least one year's service preceding the annexation, may become members of the association if they are not over the full age of forty-five years, by complying with the conditions of the charter and the by-laws."

Id., s. 12 replaced. Payment of arrears of assessment, &c.

**3.** Article 12 of the said act is replaced by the following:

**"12.** Such persons shall, moreover, pay all arrears of assessments and other dues paid by the members generally, for the number of years by which their age exceeds thirty years. But, in no case, shall such numbers of age of years exceed the period of time which has elapsed since the creation of the pension fund, to wit: the 1st of January, 1898; and the arrears shall be computed on the average of the salary earned during such years.

Certain

The years for which such members shall have paid arrears

shall be reckoned in the twenty years of service necessary to obtain their pension according to section 27. years reckoned in years of service.

The years of the member Louis Alfred d'Amours shall count from the date of his entry into the brigade, that is to say, from 1888, on his paying the contributions paid by the members before 1898, as well as those since payable." Case of L. A. d'Amours.

**4.** The following article is added to the said act after article 12: Id., s. 12a added.

"**12a.** The following members of the fire brigade viz: A. Payette, Eugène d'Amours, Joseph Lebel, Joseph Gratton, Napoléon Cadieux, Auguste Lévesque, Hormisdas Salvail, and those who in the future shall be admitted members after annexation of municipalities, being more than thirty, but not over forty-five years of age, may be admitted members of the association by complying with the conditions of the charter and the by-laws. But the twenty years of service necessary to obtain their pension shall be reckoned only from the date of their admission. Such members shall pay an entrance fee to be fixed by by-law." Certain persons may be admitted members, &c.

**5.** Section 13 of the said act is replaced by the following: Id., s. 13 replaced.

"**13.** The members admitted under articles 11 and 12a who are superannuated, shall only be entitled, during the five years immediately following their admission, to the two thirds of the pensions paid by the association." Rights of persons superannuated.

**6.** Article 14 of the said act is replaced by the following: Id., s. 14 replaced.

"**14.** Pensioners shall remain members of the association and shall pay a yearly contribution equal to three per cent on the amount of their pensions." Pensioners to remain members, &c.

**7.** Article 22 of the said act is replaced by the following: Id., s. 22 replaced.

"**22.** All such by-laws shall be prepared by the board of directors and a copy thereof shall be posted in each fire station in Montreal, eight days before the general meeting, and the same shall be approved by the majority of the members of the association taking part in the voting." Preparation of by-laws, &c.

They shall come into force on the day of their adoption.

The place, the mode of ballot, the supervision of the voting, the counting of the ballots and other details shall be determined by the by-laws."

**8.** The following article is added after article 22 of the said act: Id., s. 22a added.

"**22a.** The board of directors may nevertheless, make and adopt finally all by-laws concerning the government of the directors." By-laws of directors, &c.

board of directors, the duties of the officers and the details of the administration, provided such by-laws are approved by three fourths of the members present and are not incompatible with the charter or the by-laws of the association."

Id., s. 27 replaced.  
Payment of pensions.

**9.** Article 27 of the said act is replaced by the following:

"**27.** The association shall pay to each member in good standing with the corporation, and ceasing to be a member of the fire department, and having served in the Montreal brigade for a full term of twenty consecutive years or who has become permanently disabled, the board of directors to decide whether the disability is permanent or not after obtaining written reports thereon from the legal adviser and examining physician of the association, in the performance of his duties as member of the fire brigade, and whose name appears on the list of the permanent pensioners under the by-laws, the following pensions:

a. All members of the association whose salaries are over twelve hundred dollars annually, a sum equivalent to fifty per cent of their annual salary when superannuated.

b. The other members so long as their annual salary shall not have reached respectively such sum of twelve hundred dollars annually:

Captains.....	\$600 00
Lieutenants and engineers.....	500 00
Firemen, 1st and 2nd class.....	450 00
Firemen of the other classes including those employed at manual work or otherwise shall have the pension of their rank or class.....	

Pensions to be paid when salaries doubled.

But when the annual salaries of the captains, lieutenants, engineers and firemen, or any others, shall have reached a sum double their present salary they shall receive as pension a sum equivalent to fifty per cent of their annual salary when superannuated.

To whom article to apply. Amounts to which certain persons entitled.

This article shall not apply to the present pensioners and shall take effect only on the 1st of January 1911.

Nevertheless, under the terms of this act, the present chief Z. Benoit, shall be entitled to an annual pension of seventeen hundred dollars; the four sub-chiefs, E. Jackson, C. Dubois, T. St. Pierre and J. Mitchell to an annual pension of eight hundred dollars each; and foremen J. Taylor and John McGuire to an annual pension of six hundred dollars each."

Id., s. 27a-d added.

**10.** The following articles are added to the said act after article 27:

" **27a.** When the board of directors shall decide, in conform- Discretion of  
ity with article 27, to pension a member on account of per- directors as  
manent disability, they may grant him a full or a portion of an to amount of  
annual pension as they may deem proper, or grant him such pension.  
pension for a limited period only.

This article shall not apply to pensioners who have been Exception.  
superannuated after ten complete consecutive years of service  
in the brigade.

" **27b.** When the board shall have superannuated a member Abolition,  
on account of permanent disability, according to articles 27 &c., of pen-  
and 27a, they may, nevertheless, at any time, subsequently, sion if pen-  
on proof that such pensioner has become able to work at any sioner can  
kind of work whatsoever, and on the production of written work, &c.  
reports from the legal adviser and examining physician of the  
association, suppress or diminish his pension or limit such pen-  
sion to a certain time according to circumstances.

This article shall not apply to pensioners who have been super- Exception.  
annuated after a full term of ten consecutive years of service  
in the brigade.

" **27c.** When a pensioner having been superannuated for Readmission  
permanent disability before the end of ten complete and of pensioners.  
consecutive years of service, re-enters the Fire Brigade, he may  
be readmitted to the association in conformity with its by-laws,  
provided he is not more than forty-five years of age; and the  
time he had served before his superannuation shall count in  
his twenty years of service.

**27d.** When a member is placed on the pensioners' list, after Amount of  
twenty years' service, he shall have the pension appertaining pension how  
to his rank, provided he has had such rank for three years; completed.  
otherwise he shall have the pension of the rank which he  
previously held; but the member placed on the list of pensioners  
for permanent incapacity, shall have the pension of the grade  
he occupied at the time of his being pensioned."

**11.** Article 29 of the said act is replaced by the following: Id., s. 29 re-

" **29.** The widow of any member or pensioner who dies in replaced.  
good standing with the association, shall receive a sum of three Pensions of  
hundred and sixty five dollars per annum, as pension during widows.  
her widowhood.

This article shall not apply to the present widows who draw Exception.  
benefits."

" **29a.** The widow whose husband has obtained against her Certain  
a judgment in separation from bed and board, and who was widows de-  
not reconciled with him at the time of his death, shall be de- prived of  
prived of her benefits in the association, which shall be paid rights, &c.  
to their children."

Id., s. 30 re-  
placed.  
Payment to  
children on  
death of  
widow, &c.

**12.** Article 30 of this said act is replaced by the following:

“ **30.** At the death of the widow, or when a member in good standing with the association dies a widower, leaving children, the above pension of three hundred and sixty five dollars shall be paid to the children being under the full age of sixteen years and issue of her marriage with a deceased member or issue of a preceding marriage of the deceased member, by equal shares, and the right of each child to his allowance shall cease on his reaching the age of sixteen years. In such case the share of the child who has reached the age of sixteen years shall accrue to the other children.

Exception. This article shall not apply to the present children who draw benefits.

Application of s. 27a, 27b. Articles 27a and 27b except the last paragraph of each thereof, shall apply, *mutatis mutandis*, to article 29 and to this article.”

Id., s. 30 a,  
30b added.

**13.** The following articles are added to the said act after article 30:

Assistance to  
children over  
16 years old,  
&c.

“ **30a.** When at her death, the widow leaves children over sixteen years issue of her marriage with the deceased member, and her children are sick or crippled and without resources, the board of directors may give them assistance, at their discretion, as to children under sixteen years.

Application  
of s. 27a, 27b.

Articles 27a and 27b shall apply to this article.”

Re-marriage  
of pensioner.

“ **30b.** When a pensioner remarries after being superannuated, his widow and children issue of this last marriage shall have no right to any benefit from the association.”

Id., s. 31 re-  
placed.  
Benefits to  
fathers, &c.  
of members.

**14.** Article 31 of the said act is replaced by the following:

“ **31.** The board of directors may grant to the father, mother, brothers or sisters of a member who is unmarried or a widower without children under sixteen years, the same benefits given to widows, or portions of such benefits, at their discretion, if such father, mother, brothers or sisters were dependent upon him, at the time of his death, for their support, provided the following conditions be fulfilled:

Conditions.

a. Such member must have named in his will, and not otherwise, which, of the above mentioned persons, were dependent upon him for their support at the time of his death.

b. The board shall have the right to require the previous production of any vouchers and shall decide only after investigation and on written reports from the legal adviser and the examining physician of the association.

The board of directors may grant such benefits in whole or in part, either in a lump sum for all the interested parties, or in equal or unequal shares to each of them by name.

They may also grant benefits to the one and refuse them to the others according to circumstances.

Articles 27*a* and 27*b* shall apply to this article."

**15.** Article 32 of the said act is repealed.

Id. s. 32 repealed.

**16.** Article 34 of the said act is replaced by the following: Id., s. 34 replaced.

"**34.** The association shall be administered by a board of directors, composed of a delegate from the principal bureau, chosen amongst the members of said bureau belonging to the association, and of the representatives of the different fire stations, in Montreal, elected in accordance with the by-laws."

**17.** The following article is added to the said act after article 34: Id., s. 34*a* added.

"**34*a*.** The decisions taken by the board of directors shall be without appeal, provided they are in conformity with the provisions of the charter and the by-laws and, that no great injustice has been committed."

**18.** Article 35 of the said act is replaced by the following: Id., s. 35 replaced.

"**35.** The officers shall be elected each year by the board of directors, amongst their members, with the exception of the president, secretary and treasurer, who may be chosen from the whole association."

**19.** The following articles are added to the said act after article 35: Id., s. 35*a*, 35*b* added,

"**35*a*.** The board of directors may appoint honorary officers and members of the association but they may take part in discussions only. Honorary officers, &c.

"**35*b*.** If the delegate or the representative of any station whatsoever is unable to attend the meeting of the board of directors, another temporary representative shall be appointed in his stead." Temporary representatives.

**20.** Article 36 of the said act is repealed.

Id., s. 36 repealed.

**21.** Article 38 of the said act is replaced by the following: Id. s. 38 replaced.

"**38.** The general meeting of the association shall be called: 1. by the publication of a public notice, once in a daily French paper and once in a daily English paper of Montreal, eight days before the day fixed for the meeting; 2. by a notice posted in each fire station in Montreal, during eight days preceding the meeting." Calling of general meetings.

- Id. s. 40 re-  
placed.  
Quorum.
- 22.** Article 40 of the said act is replaced by the following:  
“ **40.** The quorum of the general meeting of the association shall be thirty five members.  
The quorum of the board of directors shall be fixed by the by-laws.”
- Quorum of directors.
- Id. s. 41 re-  
placed.  
Business at  
annual meet-  
ing.
- 23.** Article 41 of the said act is replaced by the following:  
“ **41.** The object of the general annual meeting shall be the reception of the treasurer’s report and the discussion of questions of general interest.  
The special general meetings shall have for objects the questions mentioned in the notice calling such meetings.”
- At special meetings.
- Voting how effected, &c.
- “ **41a.** The details of the voting and of the counting of the ballots shall be determined by the by-laws, and the decisions shall be taken by the absolute majority of the members present at the meeting.”
- Id. ss. 42-45 repealed.
- 24.** Articles 42, 43, 44 and 45 of the said act are repealed.
- Coming into force.
- 25.** This act shall come into force on the day of its sanction.

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C H A P . 90

An Act to incorporate The Montreal Association for the Blind.

[Assented to 4th June, 1910]

Preamble. **W**HEREAS the persons hereinafter named have, by petition, set forth that a non-sectarian institution for the education, instruction and care, and to promote the welfare of the blind, English-speaking chiefly, is urgently needed, and have further represented that such an institution would be greatly aided by an act of incorporation, and have prayed that they and their successors be incorporated under the provisions hereinafter mentioned;

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

Persons incorporated. **1.** Sir Edward Clouston, baronet; Sir Thomas Shaughnessy, K.C.V.O.; Sir Melbourne Tait; Sir William Macdonald; Sir Hugh Graham; W. M. Aitkin; George Smithers; Charles W. Lindsay; Philip E. Layton; H. F. Armstrong; E. B. Busted,