

demnity payable.

or any other person who, for his or her support, depends upon a member to whom the certificate is delivered.

Beneficiaries in default of relations.

“ 4. If a member has no known parent nor any of the persons above enumerated, he may, with the consent of the executive council, designate any other person as his beneficiary.

Payment in default of designated beneficiaries.

“ 5. In default of beneficiaries duly designated, or if they die before the member, the indemnity shall be paid as follows :

(a) To the surviving consort ;

(b) In default of surviving consort, to the children or grandchildren of the member :

(c) In default of the above persons, to assigns or lawful heirs.”

Id., s. 9, replaced.

8. Section 9 of the act 3 Edward VII, chapter 122, is replaced by the following :

By-laws remain in force.

“ **9.** The present by-laws shall continue in force as to all their clauses not inconsistent with this act, until repealed or changed by the general convention.”

Id., s. 11, replaced.

9. Section 11 of the act 3 Edward VII, chapter 122, is repealed.

Coming into force.

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

CHAP. 114

An act to amend and consolidate the charter of the Montreal, Firemen's Benefit Association

[Assented to 28th February, 1907]

Preamble.

WHEREAS the Montreal Firemen's Benefit Association has, by its petition, prayed for the amendment and consolidation of its charter ;

Whereas the said Association has by resolution of date the 5th day of October, 1906, approved of the present act.

Whereas, owing to the extension of the said association, especially since the annexation to Montreal of adjacent municipalities, and in view of the work which it desires to accomplish, the law which now governs it is inadequate ;

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 :

TITLE I

CONSTITUTION AND TRANSITORY PROVISIONS

- 1.** The corporation shall be known as "The Montreal Firemen's Benefit Association."
Name of corporation.
- 2.** Its place of business shall be in the city of Montreal.
Place of business.
- 3.** The object of the said association is to help its members in case of injury, infirmity or disability whatsoever; to grant them gratuities and pensions; to come to their aid under whatever form it may see fit; and to provide relief, pensions and other advantages for their widows, children or other relatives, and for the legatees and heirs of the deceased members and to promote the general interests of the members of the Montreal Fire Brigade.
Objects.
- 4.** The Montreal Firemen's Benefit Association succeeds to the moral and civil personality of the corporation created by the act 61 Victoria, chapter 83, the whole of whose property, rights, actions and obligations are transferred to the present corporation.
Succeeds to corporation created by 61 V., c. 83.
- 5.** The members of the former association, and those who may hereafter be legally admitted, shall be members of the present corporation.
Members.
- 6.** The by-laws now existing shall remain in force until they are repealed or amended.
By laws remain in force.
- 7.** The present officers shall remain in office until the election of their successors.
Officers remain in office.
- 8.** All previous laws, especially the act 61 Victoria, chapter 83, are repealed, with the exception of section 9 of the latter act. But the funds created by the association up to the present time and all rights acquired by the members or other interested parties either as regards pensions or otherwise, shall not be affected, unless they are inconsistent with this act.
Previous laws repealed. Funds and acquired rights not affected unless inconsistent.
- 9.** The members shall not be responsible for any debt or obligation of the corporation.
Members not liable for debts.

TITLE II

MEMBERS

Age of admission. **10.** No person shall be admitted to the said association who is over the full age of thirty years or who is not a member of the Montreal Fire Brigade.

Exceptions. **11.** The following members of the Montreal Fire Brigade, to wit : Louis Alfred D'Amour, Avila Perreault, Louis Sans-Cartier, Arthur Galipeau, H. Savignac, Arthur Sans-Cartier, E. Paquet, Joseph Tremblay, Moïse Pion, Zénon Terreault, Alcide Ducap, Jean-Louis Gauthier, Stanislas Robitaille, and George Goyette, being more 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 cities 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 by-laws.

Payments to be made by certain members. **12.** Such person 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 this number 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.

Pension payable to certain members. **13.** The members admitted under article 11, who are superannuated, shall only be entitled, during the five years immediately following their admission, to two-thirds of the pension paid by the association.

Pensioners liable to assessment. **14.** Pensioners shall remain members of the association, and shall be subject to an assessment of five dollars per annum only.

TITLE III

POWERS

Powers of corporation. **15.** The said association may acquire, possess, alienate, borrow, loan, mortgage, give or otherwise affect by any contract whatsoever, under whatever form, all moveable or immovable property to the extent of an annual value not exceed-

ing thirty thousand dollars. It shall have all the ordinary powers of civil and politic corporations and all such other powers as may be necessary to attain the object for which it is created, and to promote the general interests of the members of the Montreal Fire Brigade.

16. The funds of the association shall be invested in municipal, school, *fabrique* or federal or provincial government bonds or debentures, or on first mortgage on real estate, but no loan shall exceed forty dollars for each one hundred dollars of the value of the land mortgaged, as shown by the municipal assessment roll then in force. Funds how invested.

17. The association may create, abolish, replace, modify, consolidate, divide or otherwise change different funds for the temporary or permanent relief of its members, their widows, their families or heirs or legatees. Different funds may be created.

18. It may fix, determine, change, suspend, increase, reduce or modify, as it may see fit, the share which each member or other interested parties have or may have in the benefits, except that which is fixed in this act; and also the terms and conditions generally upon which the members and other interested parties may participate in the benefits. Corporation may fix shares of members, &c.

19. It may, for the above purposes, levy, modify and change, as it may see fit, on each of its members or on other interested parties being entitled to benefits, any assessment, apportionment, rate *per capita* or contribution whatsoever, for the establishment and maintenance of its funds; and it may retain any amount due to it in this connection, by its members or other debtors, from the benefits to which they are entitled. May levy assessments, &c.

The city of Montreal is hereby authorized to retain on the salary of each of the members of the association all that for which he may be indebted to the association and shall remit the amount to the latter. City of Montreal may retain certain monies.

20. It may come to a composition or make any compromise or agreement whatsoever with any person or his legal representatives, entitled to participate in the benefits of the association, for the modification of the mode of relief or benefits, for the redemption of their rights, and for the release of the association. May compound with beneficiaries, &c.

But it shall not be lawful for any member or pensioner to come to a composition or make a compromise regarding the rights which his widow and his family may be entitled to after his death.

May make
by-laws, &c.

21. The association may make, repeal, change and amend any by-law for the administration and the government of the corporation ; for the admission, expulsion, striking off of the names, suspension and behaviour of its members ; for the holding of meetings ; for the election and duties of officers ; for the imposition of fines not exceeding two dollars for each infraction of the by-laws ; and such other by-laws as it may deem proper for the good working of the association ; provided they are not inconsistent with this act or any other act of the Province of Quebec.

By-laws how
prepared, &c.

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 adopted at the said general meeting by the absolute majority of all the members of the association. They shall come into force on the day of their adoption.

Amendments
to by-laws.

23. Section 22 shall also apply to the amendments to by-laws.

May exercise
powers by
resolution.

24. The association and the board of directors may exercise by resolution the powers conferred upon them by this act or the by-laws.

May appoint
officers, &c.

25. The association may provide for the appointment of administrators, solicitors, accountants or their officials or employees, for the administration of the corporation, and the management of its business, and grant them a reasonable salary.

Prescription
of claims.

26. The right to claim any pension, relief or any other sums of money, as benefits, under this act or under the by-laws, shall be prescribed by twelve months from the date when they become due.

TITLE IV

BENEFITS

Pensions
payable.

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 Fire Brigade for a full term of twenty consecutive years, or who has become permanently disabled in the performance of his duties as member of the fire brigade, or whose name appears on the list of permanent pensioners under the by-laws, the following pensions :

(a) The chief of the fire brigade, annually.....	\$1,000.00
(b) The sub-chiefs, annually.....	700.00
(c) The supply officer, annually.....	700.00
(d) The captains, annually.....	600.00
(e) The engineers and the foremen, annually.....	500.00
(f) Firemen of the 1st class, annually.....	450.00
(g) Firemen of the 2nd and 3rd class, annually...	400.00

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.

Special pension to chief, &c.

28. Any officer who may be appointed to a new office hereafter created, shall be entitled, under the terms of this act, to a pension proportionate to his rank and to his salary, which shall be fixed by the board of directors, taking as a basis the above pensions.

Pension to holder of new office.

29. The widow of any member or pensioner who dies in good standing with the association, shall receive the sum of two hundred dollars per annum, as pension, during her widowhood.

Pensions to widows.

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 two hundred dollars shall be paid to the children being under the full age of sixteen years and issue of her marriage with 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 children who have reached the age of sixteen years shall accrue to the other children.

Pensions to children.

31. Every unmarried member or member being a widower without children under sixteen years of age, shall have the right to bequeath, by will only, the sum of three hundred dollars, which the corporation shall pay to his legatees or legal representatives at his death.

Power of unmarried members to bequeath pensions.

32. If the unmarried member or member being a widower without children, has not, at the time of his death, disposed of such sum of three hundred dollars as aforesaid, the corporation shall not be bound to pay the same.

If not bequeathed corporation not liable.

Pensions not
assignable or
seizable.

33. The pensions and all other benefits paid by the association, and any capital or other sum paid in lieu of said pensions or benefits, shall be given as alimentary allowances and as such shall not be assignable nor liable to seizure.

TITLE V

ADMINISTRATION

Board of
directors.

34. The association shall be administered by a board of directors, composed of the chief of the Montreal Fire Brigade, if he is a member of the association, and of a delegate from the bureau of the fire department 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.

Chief of Mon-
treal Fire
Brigade,
president if
member, &c.

35. The chief of the Montreal Fire Brigade, if he is a member of the association, shall be *ex-officio* the president of the association and of the board of directors. The other officers shall be elected, each year, by the board of directors. If the delegate or the representative of any station is unable to attend the meetings of the board of directors, another temporary representative shall be appointed to act in his stead.

If not mem-
ber, how
replaced.

36. If the chief of the brigade is not a member of the association, the board of directors shall choose one of its members to replace him.

Powers of
directors.

37. The board of directors shall exercise all the rights and powers of the association, except those which are expressly reserved to the general meetings of the association by this act or by the by-laws.

General meet-
ings how
called.

38. The general meetings of the association shall be called :
1. By a 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 fifteen days preceding the meeting.

Notices
thereof.

39. Such notices shall state the place, the date, the hour and, in a general manner, the object of the meeting. They shall be signed by the president and the secretary, or by any other person designated by the board of directors of the association.

40. The quorum of the general meetings of the association shall be one-fifth of the members of the association, at the date of the notice calling the meeting published in the papers. Quorum.

The quorum of the board of directors shall be fixed by the by-laws.

41. All decisions at the general meetings of the association shall be taken by the absolute majority of all the members of the association, according to the mode of voting mentioned in the following articles, but reports may be adopted by the majority of the members present. How decision taken.

42. Votes shall be taken by secret ballot. The voting shall begin on the day following the general meeting at nine o'clock in the forenoon, and shall close at nine o'clock in the evening of the said day. How voting conducted.

43. The questions upon which the members are called upon to vote shall be posted at the place of voting. Questions to be voted upon.

44. The board of directors shall, in the evening of the day of voting, count the votes and proclaim the result immediately. Counting of votes, &c.

45. The place of voting, the mode of ballot, the supervision of the voting and all other details shall be determined by the by-laws. Place of voting, &c.

46. The books, records, by-laws and other documents of the corporation, and also copies and extracts of the same, certified by the president or the secretary, shall constitute a proof *prima facie* of their contents. Books, &c., prima facie proof.

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