

No. 516, A.]

[Published May 5, 1891.]

CHAPTER 287.

AN ACT to create a pension fund for members of fire and police departments in certain cities of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all cities whose population exceeds one hundred thousand, having a paid fire department, one per centum of all revenues collected or received by such cities from licenses issued by such cities, together with one-eighth of all moneys or sums of money paid by the insurance companies or board of underwriters of said cities under the present law, shall be set apart by the treasurers of such cities to whom the same shall be paid, as a fund for the pensioning of disabled and superannuated members of the fire and police departments and of the widows and orphans of deceased members of the fire department of such cities. The treasurers of such cities shall be *ex officio* treasurers of such fund. Fund, how raised.

SECTION 2. The treasurer, clerk, attorney, comptroller and chief officers of the fire and police department of such city shall constitute and be a board by the name of the "Board of Trustees of the Firemen's and Policemen's Pension Fund." The said board shall select from their number a president and secretary. Board of trustees.

SECTION 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this act, and all money donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire and police departments, their widows and minor children, same to be placed by the treasurer of such city, who shall be *ex officio* treasurer of said board, to the credit of such fund, subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applica- Powers and duties of board.

tions for relief or pensions under this act and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board. The board shall cause to be kept a record of all its meetings and proceedings.

Sources of increase of fund.

SECTION 4. All rewards in moneys, fees, gifts and emoluments that may be paid or given for or on account of extraordinary services by said fire department, or any member thereof, (except when allowed to be retained by said member, or given to endow a medal or other permanent or competitive award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise or bequest, any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars in the whole; and such money, real estate, personal property, right of property or other valuable thing so obtained, also all fines and penalties imposed upon members of such fire and police departments shall in like manner be paid into said pension fund and treated as a part hereof for the use of such pension fund; provided, that the sum of two hundred thousand dollars which may be received and accumulated, shall be when so received and accumulated, retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the use and purposes of such pension fund.

Fund may be invested.

SECTION 5. The said board of trustees shall have power to draw such pension fund from the treasury of such city and may invest such fund or any part thereof, in the name of board of trustees of the firemen's and policemen's pension fund, in interest-bearing bonds of the United States, of the state of Wisconsin, of any county of this state, or of any township or any municipal corporation of the state of Wisconsin; and all such securities shall be deposited with the treasurer of this city, as *ex officio* treasurer of said board, and shall be subject to the order of said board.

Interest.

SECTION 6. The interest received from any such investment of said fund, after said fund shall have reached the sum of two hundred thousand dollars, shall be applicable to the payment of pen-

sions under this act. And when such interest shall become applicable it shall be the power of the council of said city to diminish such annual rate of one per centum from licenses so that said income from interest and from licenses shall meet the requirements of the pension lists, as provided by this act.

SECTION 7. If any member of the fire or police department of any such city shall, while engaged in the performance of his duty as such fireman or policeman, be injured, and be found upon an examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled, by reason of service in such department, so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department; provided, no such retirement on account of disability shall occur unless said member has contracted said disability while in the service of such fire department. Upon such retirement the said board of trustees shall order the payment to such disabled member of such fire department, monthly, from said pension fund, a sum equal to one half the monthly compensation allowed to such member as salary at the date of his retirement.

Pension allowed disabled member.

SECTION 8. If any member of such fire or police department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty or of any disease contracted by reason of his occupation, or if any member of such fire or police department shall while in said service, die from any cause while in said service or during retirement, or after retirement after twenty-two years' service as hereinafter provided, and shall leave a widow, minor child or minor children under sixteen years of age surviving, said board of trustees shall direct the payment from said pension fund of the following sum monthly, to-wit: To such widow, while unmarried, thirty dollars; to the guardian of such minor child or children, six dollars for each of said children until it, or they, reach the age of sixteen years; provided, however, that there shall not be paid to a family of a deceased member a total

Pension for widows and orphans of members killed in performance of duty.

pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his decease; or, if a retired member a sum not exceeding one half the amount of the monthly salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then, and in that event an equal percentage of such monthly payments shall be made to each beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Old members
to be retired on
half pay.

SECTION 9. Any member of the fire or police departments of such city, after becoming fifty years of age and having served twenty two years or more in such fire or police department, of which the last two years shall be continuous, may make application to be relieved from such fire or police department, or if he shall be discharged from such fire or police department the said board of trustees shall order and direct that said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire or police department at the date of his retirement or discharge; and the said board upon the recommendation of the chief officer of any fire or police department provided for in this act, shall have the power to assign members of the fire or police department retired or drawing pension under this act to the performance of light duties in such fire or police department in case of extraordinary emergencies. After the decease of such member his widow or minor child or children under sixteen years of age, if any are surviving him, shall be entitled to the pension provided for in this act, but nothing in this or any other section in this act shall warrant the payment of any annuity to any widow of a deceased member of such fire department after she shall have remarried.

Shall apply to
past and present
services as
such officer.

SECTION 10. This act shall apply to all persons who are now or shall hereafter become members of such fire and police department, and all such persons shall be eligible to the benefits secured by

this act, and all persons now drawing a pension or any relief from any fund under the provisions of any law or ordinance now in force shall from and after the passage of this act receive only the benefits or pension mentioned herein in this act.

SECTION 11. The treasurer of the board shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board; and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city with good and sufficient sureties in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer; and that on the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and in case of a breach of the same, or of the conditions thereof, suit may be brought on the same in the name of such city, for the use of said board, or of any person or persons injured by such breach.

Treasurer of board, his duties.

SECTION 12. It shall be the duty of the mayor, or the president of the board of trustees and clerk, or the comptroller, and the officer or officers of such city, who are or may be authorized by law to draw warrants upon the treasurer of such city, upon request made in writing by said board, to draw warrants upon the treasurer of such city, payable to the treasurer of said board, for all funds in the hands of the treasurer of such city, belonging to said pension fund.

Money of fund may be drawn from city treasury, how.

SECTION 13. All moneys ordered to be paid from such pension fund to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof;

Pensions, how paid.

and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the said pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit, shall belong to and constitute a part of such fund; provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board.

Reports.

SECTION 14. The board of trustees shall make report to the council of said city, of the condition of said pension fund on the first Monday of May in each year, unless the same be a legal holiday, when said report should be made as soon thereafter as possible.

Fund and pension exempt from execution, etc.

SECTION 15. No portion of said pension fund shall, either before or after its order of distribution by said board to such disabled members of said fire or police department or to the widow or guardian of such minor child or children of a deceased or retired member of such departments be held, seized, taken subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever, issued out of, or by any court of this state for the payment or satisfaction in whole or part of any debt, damages, claim, demand or judgment against such member, or his said widow or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

Amend all city charters of cities having population of 150,000.

SECTION 16. The provisions of this act shall be amendatory of the charter of all cities in this state containing a population exceeding one hundred and fifty thousand inhabitants and any provision in any such charter in conflict herewith is hereby superseded and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed; provided, however, that this act shall in no way affect or apply to the provisions or acts

of any law in reference to any other department in any of said cities.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1891.

No. 588, A.]

[Published April 24, 1891.]

CHAPTER 288.

AN ACT to amend section 1, of chapter 404, laws of 1889, relating to defects in recorded instruments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 404, of the laws of 1889, is hereby amended by adding at the end thereof the following: And whenever any instrument or conveyance affecting the title to lands, which has been or shall be recorded for twenty years in the office of register of deeds of the county in which such lands are situated, recites therein, that an official or corporate seal is thereto attached and a copy of said seal shall have been or shall be omitted from the record, and all contracts, bonds or agreements for the sale or conveyance of land, or any interest therein, purporting to be executed by any person as vendor or contractor, but not acknowledged, may, when the said instrument or instruments or contracts, bonds or agreements, have been or shall be recorded in the proper register's office for twenty years, be proved and admitted in evidence, by the production of the record or a duly certified copy thereof, in the same manner and with the same effect as if any such instrument had been duly sealed, attested and acknowledged, and such record or certified copy shall be presumptive evidence of the execution of any such instrument, contract, bond or agreement, without its being shown that the same was duly or properly entered upon the general

Amends chapter 404, laws of 1889.

Defects cited after twenty years.