

fifty-one elect a county Treasurer and Clerk of the board of supervisors or either as the case may be, whose term of office shall be for one year from and after the first day of January, A. D. one thousand eight hundred and fifty-two: Provided, however, That nothing in this section shall be construed as extending to cases where either of the officers previously named were elected at the general election of eighteen hundred and fifty, and are legally entitled to hold their offices for two years.

**Term of office.** SEC. 2. That from and after said election in November A. D. one thousand eight hundred and fifty-one, county Treasurers and Clerks of the Board of Supervisors shall be elected whose term of office shall continue for two years from the first day of January succeeding the time of their election.

**Proviso!**

**Future term of office.** SEC. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

**Repealing clause.**

FREDERICK W. HORN,  
*Speaker of the Assembly.*  
 DUNCAN C. REED,  
*President pro tempore of the Senate.*

Approved March 13th, 1851.

NELSON DEWEY.

**Chap. 262** An Act to incorporate the Green Bay, Milwaukee and Chicago Rail Road Company.

*The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows :*

**Name of Incorporation.** SECTION 1. James H. Rogers, Truman G. Wright, Daniel H. Chandler, John Bullen, Levi Blossom, Thomas B. Stoddard, Thomas Hood, Thomas P. Williams, Samuel Hale, Philo White, William Teall, Phineas M. Johnson, Frederick Hilgen, Moses Kneeland, A. P. Lyman, E. Fox Cook, George Reed, K. K. Jones, Henry S. Beard and David M. Lay, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns, are hereby created a body corporate by the name of the "Green Bay, Milwaukee and Chicago Rail Road Company," and by that name shall be, and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements and hereditaments, so far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner dispose of, to contract and to be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter, break or renew at their pleasure ; and if either of the persons named in this section, shall die, refuse or neglect to execute the powers

**Corporate powers.**

and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

SEC. 2. The said corporation are hereby empowered to cause such examination or survey to be made as shall be necessary to ascertain the most advantageous route whereon to construct a railroad, and shall cause an estimate to be made of the probable cost thereof for each mile separately, and the said corporation shall be, and they are hereby invested with the right to construct a railroad with one or more railways or tracks from some convenient point in the city of Milwaukee in the county of Milwaukee, to the cities of Racine and Kenosha, and to some convenient point on the southern line of the State of Wisconsin between Fox river and Lake Michigan, also from said point in the city of Milwaukee, via the village of Grafton or Cedarburgh or both, Port Washington, Sheboygan, Manitowoc and Depere, to some convenient point at Green Bay in the county of Brown.

Corporation  
may make a sur-  
vey and esti-  
mate.

Route.

SEC. 3. The capital stock of said corporation shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and five dollars on each share shall be paid at the time of subscribing.

Capital Stock—  
how divided.

SEC. 4. The above named persons, or a majority of them, are authorised to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscriptions, which books shall be opened within two years from the passage of said act, at such place or places, as they may deem expedient, by giving thirty days' notice in some newspaper printed in the city of Milwaukee, and in such other place or places as may be thought advisable, of the time and place or times and places of opening said books, the said books to be kept open thirty days or until one hundred thousand dollars of said stock is subscribed.

Commissioners  
to open books  
for subscription  
within a certain  
time.

SEC. 5. So soon as said stock or one hundred thousand dollars thereof, shall have been subscribed, the above named persons, or the same number thereof as shall have given the notice above required, shall give like notice for the meeting of the stockholders to choose directors, at some time, at least thirty days thereafter, and at some place within the city of Milwaukee, and if at such time and place, the holders of one half or more of said stock subscribed, shall attend either in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors, each share of capita stock entitling the owner to one vote, and at such election, the persons named in the first section of this act, or those appointed

When stockholders may choose  
Directors.

Stock to vote.

Inspectors to determine who are elected Directors.

Annual election when held.

Directors to elect certain officers.

Payments of subscription—how made.

Proviso.

General powers of Directors.

by its provisions to fill vacancies which may have occurred, or any three of them, if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them or a majority of them, what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company, and thereafter a new election of directors shall be made annually, at such time and place as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year, on the same day of the same month on which said first election was holden, unless the same shall be on the first day of the week, in which case it shall be holden on the day next succeeding; and if no election be had on the day appointed, said company shall not be dissolved, but such election may be had at any time appointed by the by-laws of said company. The said directors shall elect one of their number President, and shall appoint a Secretary, Treasurer, such engineers and other officers as they may find necessary, shall fix their compensation, and may require adequate security for the performance of their respective trusts.

SEC. 6. The directors may receive payment of the subscriptions to the capital stock at such time in such proportion, not exceeding twenty-five per cent. at any one instalment, under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payments thereon or otherwise: Provided, They shall never require payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

SEC. 7. The directors of said company shall have power to make from time to time all needful rules, regulations, and by-laws, touching the business of said company, and to determine the number of tracks and railways upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same, and to direct the mode and condition of transferring the stock of said company, and the said company may erect and maintain toll houses and such other buildings

and fixtures as the accommodation of those using said road may require.

SEC. 8. The said company shall have the right to enter upon any lands, to survey and lay down said road, not exceeding one hundred feet in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company as to the compensation to be paid therefor, the person or persons claiming compensation, as aforesaid, or if the owner or owners thereof are minors, insane persons, or married women, the guardian or guardians of such minor or minors and insane persons, and the husband of such married woman may select for themselves an arbitrator and the company shall select an arbitrator, and the two thus selected shall take to themselves a third, who shall be sworn and paid by said company as arbitrators between the parties, and render copies of their award to each of the parties in writing, from which award either party may appeal to the court of proper jurisdiction for the county in which such land or materials may have been situate, and in all cases in which compensation shall in any manner be claimed for lands where there has been no improvement made, it shall be the duty of the arbitrators and court to award a fair compensation for said lands and materials, and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases in said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff, and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, own, hold and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed, as long as the same shall be used for the purposes of said road: Provided, That none of said arbitrators so chosen shall be of kin to any of the parties, or be in anywise interested on any side.

Appropriation of Lands—how made.

Arbitrators—how appointed.

Appeals to proceed as in other causes.

Perfection of title.

Proviso.

SEC. 9. The said company may construct the said railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or to the public.

Railroad not to obstruct roads, &c.

SEC. 10. So soon as the nett profits accruing and received from the use of said road or part thereof, according to the provisions of this act, shall exceed six per cent. upon the amount

Dividends—when to be made.

of said capital stock paid in, the directors of said company shall make a dividend of such nett profits among the stockholders in proportion to their respective shares, and no accumulative fund exceeding one per cent. of the profits of said company shall remain undivided for more than six months.

Penalty for wilful injury or obstruction.

SEC. 11. If any person or persons shall wilfully obstruct, or in any way spoil, injure or destroy said road or anything belonging or incident thereto, or any materials to be used in the construction thereof, or any building fixture or carriage, erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in action of debt in any court having jurisdiction of the amount.

Penalty for neglect to provide wagon ways.

SEC. 12. Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual, it shall be the duty of said company to provide for said individual proper wagon ways, and said company shall be liable to such individual in treble the amount of damages occasioned by such neglect.

FREDERICK W. HORN,

*Speaker of the Assembly.*

DUNCAN C. REED.

*President pro tempore of the Senate.*

Approved, March 13th, 1851.

NELSON DEWEY.

## Chap. 263.

An Act to authorise the laying out of a State Road therein named.

*The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows :*

Commissioners appointed to lay out road.

SECTION 1. That John Stephens, Sylvester Fairbanks, and James R. Sears, be, and they are hereby appointed commissioners to lay out and establish a State Road from the north-west corner of section twenty-seven, town twenty-one, range seventeen, at a point in the State Road leading from Grand Chute in Outagamie county to Bruce's Mills, thence on the most practicable route to the outlet of Lake Shawanawin, in the county of Oconto.

Route.

Supervisors to determine compensation.

SEC. 2. The said commissioners shall receive for laying out said road, such compensation as the supervisors of the several counties through which the road shall run, shall determine :

## STATE OF WISCONSIN, }

SECRETARY'S OFFICE, }

I have compared the Acts, Resolutions and Memorials contained in this book with the originals deposited in this office, and do hereby certify that the same appear to have been correctly printed, excepting such errors as are corrected in the following ERRATA, and such minor variations as do not change the meaning or sense of the original text.

Witness my hand and the Great Seal of the State at Madison, this fifteenth day of May,

L. S. A. D 1861.

WM. A. BARSTOW, SECRETARY OF STATE.

## ERRATA.

- Page 9, Chap. 8, Sec 1, line five, for *forty-nine*: read "fifty-nine."  
 Page 15, Chap. 21, Sec 1, for first three lines read, "It shall be the duty of the Commissioners of the School and University Lands to convey to the United States of America, in the same manner that other School lands are by them conveyed, the following described lands"  
 Page 29, Chap. 37, in title, for *rejection* read "ejection;" and for Approved *January 29th*, 1861 read "Approved February 4th, 1861."  
 Page 29, Chap 38, for Approved *January 29th*: read "Approved February 4th"  
 Page 38, Chap 34, Sec. 1, last line, before; *Iowa*, read Grant and also "in one printed in the county of"  
 Page 198, Sec 1, for *John C. Holmes*, read John E. Holmes;" and for *E. W. Graves*, read "D. W. Graves"  
 Page 223, Chap 220, read "Sec 9 This act shall take effect from and after its passage."  
 Page 232, Sec 289, for *Brigham*, read "Bingham"  
 Page 233, Chap 241, Sec 1, line six, for *Stowund*, read "Stow and."  
 Page 243, line five, for *Koch* read "Bark"  
 Page 256, Chap 262, line six, for *Beard* read "Baird;" and for *Lay*, read "Loy."  
 Page 268, Chap 262, line six, Sec 7, for *the amount of tolls*, read "and determine the price for transportation of freight and the fare of passengers."  
 Page 272, Chap. 268, line one, for *Zeletoe*: read "Zelotus;" and line two, for *Brecker* read "Becker."  
 Page 273, line thirty eight, for *examination* read "execution."  
 Page 274, line five, for *such* read "each"  
 Page 278, Chap 280, for D. *Haltz*, read D Holt, Jr.  
 Page " Chap 281, for *Carmon & Ladd*, read "Cannon & Ladd."  
 Page 279, Chap 282, for *ten* read "two." in line two  
 Page 280, Chap 285, Sec. 1, line five, for *N. S* read "U. S."  
 Page 280, Chap 286, Sec 2, line six, for *executing* read "Executive"  
 Page 281, Chap 287, Sec. 2, line two, for *election* read "appointment;" and Sec 12, line one, for *ten* read "five;" and in the last line, for *elected* read "appointed"  
 Page 284, Chap 288, line nine, after *license*, read, "to be recovered in the name of the County Treasurer before any Justice of the Peace in an action of debt."  
 Page 287, Chap. 291, Sec 1, line seven, for *sixty cents* read "sixteen cents"  
 Page 290, Chap 297, line two, for *Donomon*, read "Dousman;" and for *Olset*, read "Vliet;" in line three  
 Page 292, Sec 6, for *Olies* read "Vliet."  
 Page 299, Chap 303, line four, for *Warecoma* read "Waucoma"  
 Page 345, Chap 315, title, before *Contingent* read "payment of the"  
 Page 318, Sec 13, line two, for *ninety-five* read "twenty-one"  
 Page 319, Chap 322, for *Heepin* read "Halpin."  
 Page 351, Sec 4, line two, for *increase* read "income." and Sec. 5, line three, for *fifteen* read "fifty-four"  
 Page 360, Sec 12, line six, for *number*, read "number"  
 Page 361, Sec. 13, line three, for *already*, read "actually."  
 Page 362, Sec 1, Chap 323, line one, for *four*, read "[four]."  
 Page 363, Chap 340, for *Belaft*, read "Beloit"  
 Page 372, Sec 1, line two, for *Charles E. Glinger*, read "Charles Elisinger"  
 Page 383, line one, for *and* read "out."  
 Page 388, line six, Chap. 334, for *suit* read "suit;" and line ten, for *ret razit* read "ret razit."  
 Page 393, Chap 363, for *H Ladd*, read "H. Sadd"  
 Page 395, Chap 368, line four, strike out the word "five."  
 Page 398, Sec 4, line eight, for *Appointed*, read "Approved."  
 Page 408, line seven, for *balance*, read "ballot."  
 Page 418, Sec. 7, line 7, after *transportation*, read "and to direct the mode and condition of transferring the stock aforesaid;" and Sec. 8, enclose all between the words *missor* in line eight and *person* in line nine, in brackets.  
 Page 427, Sec 3, line five, for *Officers*, read "affairs."  
 Page 437, for *Isaac J. Walker*, read "Isaac P. Walker."

[NOTE.—In preparing these acts for publication, where a superfluous word has been found in the enrolled bills, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus*.) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [*thus*]; thus adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity.]