

Provided, That no moneys in the State Treasury shall be appropriated therefor. Proviso.

FREDERICK W. HOBN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 13th, 1851.

NELSON DEWEY.

An Act to incorporate the Fort Winnebago, Baraboo Valley and Minnesota Rail Road Company. Chap. 264

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

SECTION 1. That James F. Flanders, John Taylor, James Maxwell, David Munson, Samuel R. Hamill, Timothy Kirk, Marvin C. Waite, Seth P. Angl, Robert H. Davis, Albert G. Tuttle, James M. Clark, Roswell C. Clement, Charles Armstrong, James S. Mosley, Thomas Reynolds, Henry Merrill, John A. Johnson, Timothy Burns, and Henry Carpenter be, and they are hereby appointed Commissioners, under the directions of a majority of whom, subscriptions may be received to the capital stock of the Fort Winnebago, Baraboo Valley and Minnesota Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same weekly in a newspaper printed in the county of Sauk, and also in one printed in the county of Columbia.

Commissioners to receive subscriptions to capital stock.

Notice to be given.

SEC. 2. The capital stock of said company shall be one million dollars, in shares of fifty dollars each, and as soon as five hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns shall be, and they are hereby declared and created a body corporate and politic by the name and style of the "Fort Winnebago, Baraboo Valley and Minnesota Railroad Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued,

Conditional corporate powers.

may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation.

Election of directors on notice.

Proviso.

Commissioners to elect a President.

Vacancies, how filled.

Regulation and management of company.

Stock to vote.

Plurality to elect

SEC. 3. The said Commissioners, or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall meet on the second Thursday in January, for the purpose of electing directors, as aforesaid, upon a like previous notice to be given as aforesaid: Provided, that previous to the first election, the Commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: And provided, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid, that until such election the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: And provided, also, that in case of vacancy from the death or resignation of any director his place may be filled by the board of directors.

SEC. 4. The affairs of the said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be President, and shall respectively serve for one year, or until other directors be elected; they shall have power to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company.

SEC. 5. None but stockholders shall be elected directors, and at every election, and in all other cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections for directors, the thirteen stockholders having the greatest number of votes shall be declared duly elected.

SEC. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of the directors shall be a quorum for the transaction of business, who in the absence of the Pres-

ident shall appoint a President pro tem. ; the said directors shall appoint a Secretary, Treasurer and such Engineers and other officers as they may find necessary ; they shall have full power to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts ; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any instalment so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof ; they shall have full power to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership or body politic, whatsoever, as the execution and management of the works and convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company : Provided, that no instalment called in at any one time shall exceed ten dollars per share, and that no instalment shall be called by the directors without at least thirty days' notice thereof in the newspapers hereinbefore mentioned.

General and specific powers of directors

Proviso.

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President and countersigned by the Secretary, and sealed with the common seal, subject, however, to all payments due or to grow due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardian or trustees, under such regulations as may be provided for in the by-laws of the company.

Certificate of stock, how transferable.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year ; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting ; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Special meetings how called.

SEC. 9. The said company shall have power to locate and construct a single or double track railroad from Fort Winnebago in the county of Columbia, by the way of Adams and Reedsburgh in Sauk county, to such eligible point at or near the mouth of Saint Croix river, on the Mississippi river, as

Location, construction and route.

General powers
of Company.

shall be determined on by a vote of the stockholders holding a majority of the stock of said company, at a special meeting called for the purpose of fixing the location or termination of said road, and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct and erect all such side tracks, turn outs, and connecting tracks, and also all such warehouses, toll houses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the company to the use of the said rail road and also to connect said rail road and operate the same with other rail roads and branch rail roads in the State of Wisconsin.

Condition of
Charter.

SEC. 10. If said corporation shall not within three years from the passage of this act commence the construction of said rail road, then the rights, privileges and powers of said corporation under this act shall be null and void.

Appropriation
of Lands—how
made.

SEC. 11. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said rail road, doing thereto no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such land, not exceeding five rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorised by their officers, engineers and agents to enter upon lands adjacent to the rail road beyond the limits of five rods in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth and gravel taken from deep cuts, and to obtain earth, gravel and other materials, for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained, and paid for in the manner and agreeably to the provision

When limits
may be exceed-
ed.

Damages to be
paid or secured

hereinafter provided, and when such damages shall have been paid for or tendered, the title of the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company.

SEC. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the Judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said rail road or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace or other person competent to administer oaths, faithfully and according to the best of their abilities to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such rail road, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said Judge, and shall return the same within thirty days after their appointment, to the Clerk of the circuit court of the county in which they reside and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said Clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: Provided, That either

Perfection of title.

When Judge of Circuit Court may appoint appraisers.

Appraiser to take oath, &c.

Appraisers to report to Judge through Clerk of Court.

Provide.

party may appeal to said court within thirty days after said report shall have been filed in the Clerk's office and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: Provided also, That it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardian or trustee, if any there be, or in such manner as the court may direct: Provided also, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Appeals to be tried as other issues are tried.

Proviso:

Owners to have notice of valuation.

Proviso.

When company to have immediate use of lands.

Perfection of title:

Proviso.

Who to pay costs.

SEC 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: Provided, that the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same, or a less sum, than that reported by the said commissioners.

SEC. 14. The said railroad shall be so constructed, as not

to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such railroad may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage-way to enable all persons travelling such public road to pass over or under such railroad without inconvenience: Provided, that in cases where said railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said railroad across of upon such road, after altering and putting the same in as good condition as before: and for that purpose the said company shall previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, (as it) was previous to the disturbance and occupancy thereof by said company.

Railroad not to obstruct other roads.

Proviso.

Roads occupied to be made good

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: Provided, that said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

Company to make certain passages.

Proviso.

SEC. 16. On the completion of said railroad, or any portion of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Tariff for freight and passage.

SEC. 17. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company shall be first paid.

Property subject to execution for debt.

SEC. 18. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

Rule of evidence

SEC. 19. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or

Penalties for wilful injury or obstruction.

shall remove or damage any part thereof, in such a manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall take place or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one, nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Company may borrow money and issue securities therefor.

SEC. 20. The said railroad company are hereby authorised and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such transaction may be made, to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from Fort Winnebago, in the county of Columbia, by the way of Adams and Reedsburgh, in Sauk county, to some eligible point at or near the mouth of the Saint Croix river, on the Mississippi river, and the contracts and official acts of said company are hereby declared binding in law and equity, upon said corporation, and upon all other parties to such contracts.

Official acts declared binding.

Conditional reservation.

SEC. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the state of Wisconsin may resume all and singular the rights and privileges hereby granted to said company.

Purchase and sale of other lands.

SEC. 22. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to the rail road for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction or repair of said road, or buildings and fixtures connected therewith, and whenever

such lands shall be no longer needed for the purposes aforesaid, the said company are hereby authorised to sell and convey the same.

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

Approved, March 13th, 1851.

NELSON DEWEY.

An Act to amend Section 9 of Chapter 76 of the Revised Statutes.

Chap. 265

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

SECTION 1. Section 9 of Chapter 76 of the Revised Statutes is amended so that the same shall read as follows : No mortgage of personal property hereafter made shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to and retained by the mortgagees, or unless the mortgages, or a copy thereof, be filed in the office of the Town Clerk where the mortgagor resides, or in case he does not reside in the State, in the town where the property mortgaged may be at the time of executing the same ; and such Clerk shall endorse on such instrument or copy, the time of receiving the same.

Chattel Mortgage—against what parties valid.

Clerk to endorse at time of reception

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

Approved, March 13th, 1851.

NELSON DEWEY.

An Act to incorporate the Columbia and Sauk county Bridge Company.

Chap. 266

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

SECTION 1. That James F. Flanders, James Maxwell, Isaac H. Palmer and Chester Matson, and such other persons as may associate with them, be and they are hereby incorporated by the name and style of "The Columbia and Sauk county Bridge Company," and by such name may sue and be sued, plead and be impleaded in any court in this state, may have a common seal, and change the same at pleasure.

Incorporation.

Corporate powers.

SEC 2. The capital stock of said company shall be ten thousand dollars, and shall be divided into shares of ten dollars each : Provided said company shall have power to increase the

Division of capital stock.

Provide: