

Chap. 27.

An Act to incorporate the Gills Landing and Stevens Point Turnpike and Plank Road Company.

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

Company.

To open books.
&c.

SECTION 1. That Abraham Brawley, Thomas J. Moor-
mon, William V. Flemming, Peter Grover, Angus Me-
Auley, Moses M. Strong, John Rash, and Albert G. Ellis,
be, and they are hereby, appointed commissioners, under
the direction of a majority of whom, subscriptions may
be received to the capital stock of the Gills Landing and
Stephens Point Turnpike and Plank Road Company; and
they may cause books to be opened at such times and
places as they shall direct, for the purpose of receiving sub-
scriptions, by publishing in a newspaper printed in the
county of Portage or Waupaca, and if no newspaper shall
be printed in said counties, then in one published at Mad-
ison, the seat of government, at least thirty days previous
to opening the books of said company, for the purpose of
receiving subscriptions to the capital stock of said company,
giving notice of the times and places of receiving sub-
scriptions.

Created body
corporate.

SEC. 2. All persons who shall become stockholders
pursuant of the provisions of this act, are hereby created a
body corporate in law, with continued succession, by the
name and style of the Gills Landing and Stevens Point
Turnpike and Plank Road Company, for the purpose of
constructing a turnpike and plank road from Gills Land-
ing on the Wolf River, in the county of Waupaca, to Stevens
Point, on the Wisconsin River, in the county of Portage;
which company shall have power to sue and be sued in all
courts, to receive by gift or purchase, and hold all such real
and personal estate as may be necessary for the construction
and management of said road; to have and to use a com-
mon seal, and to pass all by-laws necessary for the gov-
ernment of said company.

Capital stock.

SEC. 3. The capital stock of said company shall not ex-
ceed fifty thousand dollars, to be divided into shares of
twenty dollars each, and shall be assignable and transfer-
able in such manner as shall be prescribed in the by-laws
of said company.

Commissioners
to call meeting.

SEC. 4. Whenever ten thousand dollars of the capital
stock shall be subscribed for and distributed, and ten per
cent. paid thereon to the said commissioners for the use of
said company, it shall be the duty of the commissioners
named in this act, to call a meeting of the stockholders at
such time and place as they shall designate, by giving pub-

lic notice thereof in a newspaper published in either of said counties or at the seat of government, for the purpose of choosing five directors of said company, and the persons thus chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall hold his office for one year, and until his successor is elected. At every election of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

May elect directors

SEC. 5. The company when so organized, shall have the right to locate and construct a single or double track turnpike and plank road, between the points mentioned in section second of this act, or any part of the distance, and may connect the same with any other turnpike, or other road. The track of said road shall be constructed of timber and plank, charcoal, stone, or gravel, or partly of each, so as to have a hard, smooth, and even surface. The particular manner of building said road to be determined by the said board of directors.

Commissioners to locate track

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have the power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper authorities are hereby authorized to grant to said company the right to use any highway in the town as aforesaid, on such terms as they may agree upon.

Location how determined

SEC. 7. If said company shall not within five years from the passage of this act commence the construction of said road, and shall not within that time construct a single or double track for a distance of five miles, then and in that case, it shall be considered a violation of this charter, and all the rights, privileges and powers of said company under this act may be resumed by the state of Wisconsin, and such disposition made with regard to any portion of said road which may have been constructed, as the legislature thereof may deem meet and proper, consistent with law and justice.

Charter how forfeited

SEC. 8. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings or any fixtures for the purposes of trade or

May enter upon lands

Disputes how
settled.

manufactures, or any yard or enclosures necessary to the use and enjoyment thereof without permission of the owners; and when 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 lands to the width of four rods; and also to take from any land adjoining said road, gravel, stone, or earth for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land.

Judges may ap-
point appraisers

SEC. 9. Whenever it shall be necessary for said company, to enter upon, and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such person, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be under legal disability, or out of the state, then it shall be lawful for the judge of the circuit court of the county in which such land lies, on application of either party, at the cost and charge of said company, to appoint three disinterested persons of the said county, to view and examine said lands and estimate the injury or damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day, each, for their services, to be paid by said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in

all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company, and it shall be the duty of the appraisers estimating such damages, to take into consideration the advantage that may accrue to the owners of said lands, from the construction of said road: *Provided further*, That either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment of the sum specified in the report of said viewers or appraisers, to the owners of said land, or a deposit of the same, for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

SEC. 10. The directors of said company may appoint a secretary, treasurer, and such other officers as they may deem necessary, and shall have power to decide the time, and manner and proportions in which stockholders shall pay money due on their respective shares, and forfeit to the use of the company any share or shares held by any person or persons failing to pay any installment so required to be paid, after advertisement of the same for a period not less than sixty days, in a newspaper as herein provided: *Provided*, That no installment called in at any one time shall exceed five dollars per share, and no installment shall be called in by the directors without giving at least thirty day's notice thereof in a newspaper as aforesaid.

SEC. 11. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for or hold in the said company, signed by the president and countersigned by the secretary, and sealed with the common seal of the company, subject, however, to all payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees under such regulations as may be provided in the by-laws of said company.

SEC. 12. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company, for such year, and special meetings of the stockholders may be called by the directors, or by any number of the

Proviso

Proviso.

Directors to appoint officers.

Their powers and duties.

To issue certificates

Exhibit to be made.

stockholders holding one-fourth in amount of the capital stock of said company on like notice as is required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented.

May erect toll gates.

SEC. 13. On the completion of said road, or any portion of the track, not less than three miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may deem reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals, and one cent for each additional animal; for every horse and rider, or led horse, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, two cents per mile.

Penalty.

SEC. 14. If any person shall knowingly or wilfully obstruct, break, injure or destroy, the road so constructed by said company or any part thereof, or any work or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county, and shall also be subject to indictment, and upon conviction for such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property liable or debts.

SEC. 15. The property of every individual which may be 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 from such individuals be first paid.

Proviso.

Debts.

SEC. 16. The debts and liabilities of said corporation shall not exceed in amount, at any one time, fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law, provided for in this act.

May increase capital stock.

SEC. 17. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of the stockholders, provide for an increase of the capital stock of said company to complete said road.

SEC. 18. If said company shall abuse the privileges

hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company, in relation to said road and the use of the same. Legislature may resume powers

SEC. 19. The said company shall be liable for all injury or damage which any person may sustain in his person or property by reason of the said road being out of repair, or any defect in said road. Liable for damages

SEC. 20. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 13, 1852.

LEONARD J. FARWELL.

[*Published March 15, 1852.*]

An Act to amend section 24 of an act entitled "An Act to incorporate the Milwaukee and Watertown Rail Road Company," approved March 11, 1851. Chap. 28

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

SECTION 1. Section 24 of an act entitled "An Act to incorporate the Milwaukee and Watertown Rail Road Company," approved March 11, 1851, is amended, so that the same shall read as follows: The said company are hereby authorized and empowered to lay out, extend, and continue the rail road authorized to be constructed by this act, from the village of Watertown, in the county of Jefferson, by the way of the village of Columbus, and Portage City, in the county of Columbia, to Prairie La Crosse, in the county of La Crosse. Whenever said company shall decide to extend said road as aforesaid, they may increase the capital stock to one million five hundred thousand dollars, which shall be subscribed in shares of like amount as the original stock of said company, and for that purpose may re-open their books of subscription, or open new books, for the subscription of such additional stock, and may appoint such agent to attend to the same, as may be deemed necessary for carrying out fully the provisions of this act. Charter amended
May open book

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 13, 1852.

LEONARD J. FARWELL.