

CHAPTER 302.

[Published April 19, 1864.]

AN ACT to incorporate the Willow river dam company.

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

Corporators.

SECTION 1. Silas Staples, E. P. Jacobs, M. P. Palmer, R. C. Libby, Daniel Truax, Charles S. Getchell, William S. Getchell, James H. Legro and their successors, associates and assigns, (*be and they*) are hereby constituted a body corporate and politic, for the purposes hereinafter mentioned, by the name of the Willow river dam company, for the period of twelve years, and by that name they and their successors and assigns shall be and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court of record or elsewhere, and to purchase and hold any estate, real, personal or mixed, and the same to grant, lease, sell, mortgage or otherwise dispose of for the benefit of said company, to devise and keep a common seal, to make and enforce any by-laws not contrary to the constitution and laws of the United States or of this state, and to enjoy all the privileges, franchises and immunities incident to corporation.

Name and powers.**Capital stock.**

SECTION 2. The capital stock of said company shall be six thousand dollars, in shares of one hundred dollars each, and a majority in value of the stockholders shall have power at any regular meeting to increase the said capital stock to any amount, not exceeding twelve thousand dollars.

Opening of books of subscription.

SECTION 3. Any two of the individuals named in the first section of this act, shall be authorized at any time after the passage of this act, to open books in the city of Hudson, St. Croix county, Wisconsin, for the purpose of receiving subscriptions to the capital stock of said company.

Notice of meeting for and election of directors.

SECTION 4. Whenever four thousand dollars of the capital stock shall have been subscribed, and fifty dollars upon each share subscribed for shall have been paid in, any number of the subscribers thereto who

shall represent a majority in value of the then subscriptions to said stock, shall be authorized to call a meeting of the several subscribers thereto, by giving notice of the time and place of such meeting, by advertisement in any newspaper published in Hudson, Wisconsin, five days previously thereto; and the subscribers to said stock who shall be present at such meeting, shall be authorized and empowered to elect from the stockholders, in said company, a board of three directors.

SECTION 5. The board of directors shall immediately after their election, meet and choose one of their number to act as president of said company, and elect one suitable person to act as secretary and treasurer of said company; and the said board of directors and secretary and treasurer shall hold their offices, respectively, until the last Monday in December, and until their successors are duly elected and qualified, and on the last Monday in December, in each year, the stockholders shall meet and hold an election for officers for the ensuing year.

Officers—their terms of office.

SECTION 6. The person elected as secretary and treasurer of said company, shall give bond to the president, directors and company of the Willow river dam company, in the penal sum of two thousand dollars, for the faithful discharge of his duties as treasurer of said company during his term of office.

Secretary and treasurer of give bond.

SECTION 7. The board of directors shall have authority to pass, from time to time, such by-laws as they may deem proper for the benefit and advantage of said company, not inconsistent with the provisions of this act. Any two of the said board of directors shall constitute a quorum to do business.

By-laws, &c.

SECTION 8. The president of the company shall have power to call a meeting of the stockholders at any time, by giving notice of the time and place of such meeting in one newspaper published in the city of Hudson, Wisconsin, at least ten days before the time appointed for such meeting, and the two directors, or a majority in value of the stockholders, shall have the like power to call such meeting in like manner.

Meetings of stockholders.

SECTION 9. The further duties of the officers of the company shall be such as may be prescribed in the by-laws adopted from time to time, at any meeting of the directors.

Duties of officers

Each share of stock entitled to one vote.

SECTION 10. Every share of stock shall be entitled to one vote, which may be cast by proxy, and a majority of all the votes cast shall be necessary to elect officers: *provided*, that at all meetings of the stockholders the presence of a majority in value of the stockholders shall be necessary to constitute a quorum: *provided, further*, that in case of a vacancy in any of the offices of the company, such vacancy shall be filled by the board of directors at any meeting of the board.

May construct dams.

SECTION 11. The said company are hereby authorized and empowered to construct a dam across the main Willow river at, near or about eighty rods above the Willow river falls, in the town of St. Joseph, in St. Croix county, Wisconsin, for the purpose of the driving of logs and other timber on said Willow river, and to aid further in driving the same, to also construct a dam for the same purpose at the head of Willow river, in township thirty-two, range fifteen, and to keep up and maintain both of said dams for a term of twelve years.

Height of dams, &c.

SECTION 12. The dam at or near the falls of Willow river shall be of a height sufficient to raise the surface of said main Willow river at said dam, eighteen feet above the surface of the water in said stream at low water mark therein; and the dam at the head of Willow river, in township thirty-two, range fifteen, shall be of a height sufficient to raise the surface of said main Willow river at said dam, ten feet above the surface of the water in said stream at low water mark therein, and be ready for sluicing logs on the first day of June, eighteen hundred and sixty-four.

Superintendents of dams.

SECTION 13. The company shall, so long as they maintain the said dams, keep and provide a superintendent for each dam, to be appointed by the board of directors, who shall be in constant attendance at said dams during the season for driving logs in each year, shall attend to keeping a full head of water on both of said dams, and assist the owner or owners of logs on said stream above either of said dams in sluicing their logs through the same.

Owners of logs, &c. may use dams for sluicing logs, &c.

SECTION 14. The said company shall permit any owner or owners of logs or timber, his, her or their agent driving the same down the said Willow river, or any of its tributaries, into said Willow river above either of said dams, to use either of said dams and the water therein, for sluicing his, her or their logs

or timber through either of said dams: *provided*, that before any such owner or owners of logs or timber, or his, her or their agents shall be permitted to use either of said dams or water therein as aforesaid, he, she or they shall give to the said superintendent notice of his intention to use either of said dams for such purpose three days prior to the time of using the same. And the said company may and are hereby authorized to demand, receive, levy, sue for, recover and collect from the owner or owners of such logs or timber, toll for such use of said dam at or near the falls of Willow river, at the rate of twenty cents per thousand feet of lumber in logs, and toll for such use of said dam at the head of Willow river, at the rate of ten cents per thousand feet of lumber in logs, for all logs or lumber which may pass through either of said dams as aforesaid, also, ten cents per thousand feet of lumber in logs as toll for all logs put into said river between the upper and lower dams that do not pass through the said lower dam; and the same toll shall be paid upon all logs put into said river below the upper dam, if they shall be sluiced through the lower dam, as is herein required to be paid on logs that pass through both dams, to wit: the sum of thirty cents, and the same shall remain and be a lien upon such logs and lumber until the same shall be paid; and the said company shall be entitled to the possession of said logs and lumber at any and all times after the same shall have passed through either of said dams or been put into the river as aforesaid, until the said toll shall be paid as aforesaid.

Toll for use of dams.

SECTION 15. The said company shall open and keep open all the gates of either of said dams, or such a number thereof as shall be found to afford sufficient water to drive such logs or lumber as shall have been sluiced through either of said dams, as aforesaid, below either of said dams, when required by the owner or owners of such logs or timber, or his, her or their agent: *provided*, no other drive or drives of logs or lumber on said Willow river, or any of its tributary streams, shall be within three days' drive of either of the dams the use of which shall be required.

To keep gates open, &c.

SECTION 16. In the event that either of said dams cause the water to overflow any land not owned by the said Silas Staples, E. P. Jacobs, M. P. Palmer, R. C. Libby, Daniel Traux, Charles S. Gitchell, William

Payment of damages for flowing lands.

S. Gitchell, James H. Legro, their associates, successors or assigns, which flowing is hereby authorized, then they shall pay to the owner or owners thereof such sums as said land is reasonably worth, irrespective of any enhancement of the value thereof by reason of the erection of said dams or either of them, such value to be ascertained by the appointment of three disinterested persons by the circuit judge in and for the county of St. Croix, and their verdict shall be binding on the parties: *provided*, that either party shall have the right to appeal to the circuit court for said county of St. Croix, within thirty days after the rendition of such verdict, which said appeal shall be perfected by serving a copy of the notice of appeal upon the opposite party, and filing the notice thereof with the clerk of said court.

Appeal.

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

Approved April 1, 1864.

CHAPTER 304.

[*Published April 19, 1864.*]

AN ACT to amend the charter of the Chicago and Northwestern railway company.

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

SECTION 1. Chapter 196 of the laws of Wisconsin for the year 1852, is hereby so amended, that the time for the commencement of the construction of the extension of the road provided for in sections 22 and 23 of said chapter, is hereby extended for three years from and after the passage and publication of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1864.

Time to commence road extended.