

owner of any and all claims and demands which shall be paid out of said fund to sub-contractors and supply and material men to the full extent that any such claim or demand shall be so paid, and of all right of action on account thereof belonging to said sub-contractors and supply and material men or their assignees, including said labor claims so paid out of said fund, and said Chicago, St. Paul, Minneapolis and Omaha Railway Company may sue for and recover against any person or persons, corporation or corporations, liable in any way or manner for such claims and demands for the full amount so paid thereon, with interest from the time of such payment, and it may assign and transfer such claims and demands, and its assignee or assignees shall be entitled in like manner to enforce the same by action or by way of set off or counterclaim, and each and every of said claims and demands so paid, in whole and in part, out of said fund under said act shall not thereby be extinguished, but shall be held and treated in all courts and places as sold and transferred to the said Chicago, St. Paul, Minneapolis & Omaha Railway Company. The certificate of payment of the agent appointed under said act to investigate the claims and demands therein mentioned of the amount paid to any claimant under said act, or his assignee, approved by the governor, shall be prima facie evidence in all courts and places of the amount due to such claimant and from whom due, and that such claim or demand has been transferred to and is owned and held by the Chicago, St. Paul, Minneapolis & Omaha Railway Company.

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

Approved March 29, 1882.

[No 185, S]

[Published April 5, 1882.]

CHAPTER 268.

AN ACT to amend section 1833 of chapter 87 of the revised statutes, entitled of railroads.

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

SECTION 1. Section 1833 of chapter 87 of the revised statutes entitled "of railroads," as amended by chapter 260 of the laws of 1880, is hereby amended by striking therefrom the words: "Any railroad corporation whose line is wholly within this state may lease or purchase the railroad, franchises, immunities

In regard to railroads.

and all other property and appurtenances thereof, of any other railroad corporation, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches. But no railroad corporation shall consolidate, with, or lease or purchase, or in any way become owner of or control any other railroad corporation, or any stock, franchises, rights or property thereof, which owns or controls a parallel competing line to be determined by a jury," and inserting in lieu thereof the following: Any railroad corporation organized and existing under the laws of this state may lease or purchase the railroad, franchises, immunities and all other property and appurtenances and the stock or bonds thereof of any other railroad corporation or any portion thereof, within or without this state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, or when the roads so purchased will constitute branches or feeders of the roads maintained and operated by such purchasing corporation. And any railroad corporation organized under the laws of this state may purchase and hold the stock or bonds of any railway company to which it has furnished the money for the construction of its railway, or may purchase for the money so furnished or for such other consideration as may be agreed upon between the companies, and take a conveyance of the whole or any portion of the franchises of said corporation and of the railway, property and appurtenances thereof, and all acts, purchases and conveyances heretofore made by any railway company of this state, which are authorized by this act, are hereby legalized, ratified and confirmed. But no railroad corporation shall consolidate with, or lease, or purchase, or in any way become owner of or control any other railroad corporation or any stock, franchises, rights or property thereof which owns or controls a parallel and competing line, to be determined by a jury, so that said section 1833 shall when so amended read as follows: Section 1833. Any railroad corporation may consolidate its stock, franchises and property with any other railroad corporation, whether within or without the state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches, upon such terms as may be agreed upon; and become one corporation by any name selected, which within this state

Railroad corporation may consolidate its stock.

shall possess all the powers, franchises and immunities, including the right of further consolidations with other corporations under this section, and be subject to all the liabilities and restrictions of this chapter, and such in addition, including land grants and exemptions of land from taxation, as such corporations peculiarly possessed or were subject to at the time of consolidation or amalgamation by the laws then in force applicable to them or either of them. Articles stating the terms of consolidation shall be approved by each corporation by a vote of the stockholders owning a majority of the stock, in person or by proxy, at either a regular annual meeting thereof, or a special meeting called for that purpose in the manner prescribed in section 1826, or by the consent in writing of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or such consent and accompanied by lists of their stockholders and the number of shares held by each, duly certified by their respective presidents and secretaries, with the respective corporate seals affixed of such corporations, shall be filed for record in the office of the secretary of state before any such consolidation shall have any validity or effect. Any railroad corporation organized and existing under the laws of this state may lease or purchase the railroad franchises, immunities and all other property and appurtenances and the stock or bonds thereof of any other railroad corporation or any portion thereof, within or without this state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, or when the road so purchased will constitute branches or feeders of the road maintained and operated by such purchasing corporation. And any railroad corporation organized under the laws of this state may purchase and hold the stock or bonds of any railway company to which it has furnished the money for the construction of its railway, or may purchase for the money so furnished, or for such other consideration as may be agreed upon between the companies, and take a conveyance of the whole or any portion of the franchises of said corporation, and of the railway, property and appurtenances thereof, and all acts, purchases and conveyances heretofore made by any railway company of this state which are authorized by this act are hereby legalized, ratified and confirmed. But no railroad corporation shall consolidate with, or lease or purchase, or in any way become owner of or control any other railroad corporation, or

any stock, franchises, rights or property thereof which owns or controls a parallel and competing line, to be determined by a jury.

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

Approved March 29, 1882.

[No. 270, A.]

[Published April 11, 1882.]

CHAPTER 269.

AN ACT to provide for the construction of a dam across Babb's creek, in the county of Sauk.

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

Maintain a dam.

SECTION 1. Alexander P. Ellinwood, his associates heirs and assigns are hereby authorized and empowered to erect, keep up and maintain a dam across Babb's creek on the northeast quarter of section nine (9), township twelve (12) north, of range four (4) east, in the town of Reedsburg, county of Sauk, and to erect and maintain mills, machinery and necessary appendages to enable him or them to use the water of said creek for milling and manufacturing purposes.

Head of water.

SECTION 2. Said dam may be of sufficient height to give 12 feet head of water at the point where it is located.

Damages.

SECTION 3. Nothing in this act shall be so construed as to authorize Alexander P. Ellinwood or his successors to flow the lands of any individual to the injury of the owner thereof without full and just compensation therefor, in accordance with the law governing in such cases, but the said A. P. Ellinwood or his successors shall pay in full all damages accruing from such flowage when they shall be determined either by the agreement of the parties or by due process of law.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

March 30, 1882.

ERNST G. TIMME.
Secretary of State.