

AN ACT to authorize the collector of the town of Hudson to collect certain taxes.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That the precept or warrant issued to the collector of the town of Hudson and county of Walworth, in the year 1845, for the collection of town and county taxes in said town for that year, be and the same is hereby renewed, and the said collector is authorized and empowered under and by virtue of said precept to collect all sums of money due for taxes, remaining unpaid, which are specified in the transcript roll of said town for the year aforesaid, of the personal property of the respective persons who should pay the same pursuant to law, in the same manner as if said precept had not expired: *Provided*, however, that said precept and transcript roll shall be duly returned according to law on or before the first day of April next.

SEC. 2. This act shall take effect from and after its passage.

APPROVED February 2, 1846.

AN ACT to incorporate the Lisbon and Milwaukee Plank Road Company.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. All persons who shall become stockholders pursuant to the provisions of this act are hereby constituted a body corporate by and under the name of the Lisbon and Milwaukee Plank Road Company.

Powers of corporation. SEC. 2. The corporation hereby created shall possess power to contract, bargain, buy, sell, pass by-laws and transact all business pertaining to said corporation, also to sue and be sued, in and by the name of said company, through the directors of said company.

Limit of stock. SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided in shares of ten dollars each, and shall be assignable and transferable in such manner as shall be prescribed in and by the by-laws of said corporation.

Duty of commissioners. SEC. 4. Whenever nine thousand dollars of the capital stock of said company shall be subscribed for and distributed, it shall be the duty of the commissioners named in this act, to call a meeting of the stockholders at some convenient place on or near the line of said road for the purpose of choosing the requisite number of directors of said company, and the persons then 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.

Installments. SEC. 5. Whenever nine thousand dollars of the capital stock of said company shall be subscribed for and distributed, each stockholder shall pay in to said company two dollars on each share of stock subscribed for by him, or by his agent, and the remainder in two dollar installments, as each and every mile of said plank road shall be finished.

How constructed. SEC. 6. The track of said road to be constructed of timber and plank, so that the same form a hard, smooth and even surface, the particular manner of building said road to be determined by the directors of said company.

Where to commence. SEC. 7. Said road shall commence at the place or as near as practicable where the north Madison territorial road now crosses the range line dividing range nineteen and twenty, and to follow the line of said road, or as near as may be for the best advantage of said company in the construction of said plank road, until within one mile of the Milwaukee river, in right direction to the west ward of Milwaukee village, which shall be the end of said plank road to be constructed by said company. Said company may extend said plank road from said range line nineteen and twenty, to the village of Watertown, in Jefferson county, or any part of the way to said village.

SEC. 8. The route of said road shall be determined by a board

of five persons, who shall be appointed by the board of directors of said company when duly organized, and said persons shall have power in their discretion, by and with the consent of the owners of lands through which this road is proposed to be laid, to make such alterations or deviations from the present line of said roads, which shall interfere in the construction of said plank road, as shall be for the best interest of said company and said towns.

Route how determined.

SEC. 9. The following persons shall be commissioners to open books and receive subscriptions for the capital stock of said company or corporation, or donations therefor, viz: Daniel Wells, jr., Walter H. Besley, Clark Brooks, Abraham Nottingham, James Weaver and John Hustis.

Who commissioners.

SEC. 10. Whenever ten consecutive miles of said plank road shall be completed, it shall be lawful for the board of directors of said company, to cause a toll gate to be erected, or when five miles shall be completed, a half toll gate, discretionary with the board of directors, at which gate said company may demand and receive for full toll gates, toll not exceeding the following rates, viz: For every vehicle, sled, sleigh or carriage of any description drawn by one animal, ten cents; if drawn by more than one animal, for every such additional animal, five cents; when designed or used chiefly at the time for the conveyance of persons ten cents for either of said vehicles drawn by one horse; twenty cents when drawn by two horses, and twenty-five cents when drawn by more than two horses. For every horse and rider, or led horse, six cents; for every horse, mule, or neat cattle and half score of sheep and swine, three cents. Half toll not exceeding half the above toll.

Rates of toll.

SEC. 11. No toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday, or from any person liable to do military duty, while actually going to or returning from any parade or review at which their attendance shall be by law required. All other exemptions to be regulated by the by-laws of said company.

Who exempt.

SEC. 12. The toll gatherer at each and every gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any carriage or animal subject to toll, until the toll thereon is paid.

SEC. 13. Any person who shall wilfully break or throw down

any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road, or pass any gate thereon on ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages done to the profits of said company in an action of trespass.

Penalties,

SEC. 14. Each share of stock shall entitle the owner to one vote, and he or she shall be entitled to as many votes as shares legally owned by him or her.

**Toll gates
where placed.**

SEC. 15. The board of directors may place the toll gates at any place on said road, which shall be for the best interest of said company: *Provided*, that no full toll gate shall embrace less than ten miles in length of said road. Half toll gates, half the length, or five miles, and in said proportion until said gates shall take in the whole length of said road.

**Damages how
assessed,**

SEC. 16. If in the construction of said plank road it shall pass over any government land all damages that shall accrue shall be assessed in the following manner, viz: The directors of said company shall select one disinterested person, the party aggrieved shall also select one disinterested person, the two so chosen shall select a third man in like manner, said persons shall view the ground, decide in the premises, the majority rule, and make their decision known to the parties within five days after deciding. Either party may appeal to the judge of the district court of the county of Milwaukee by notifying the other party within ten days after the persons chosen shall have made their decision known. The decision of said court shall be final. The advantage said plank road may be to the person or persons complaining in the estimation of the appraisers of the damage shall be in mitigation of the damages. The appraisers shall be entitled to one dollar each in each case.

SEC. 17. Unless nine thousand dollars of the capital stock of said company shall be subscribed for, and the first installment paid in to said company as required by this act, within three years after the passage of this act, the same shall be null and void.

SEC. 18. The corporation hereby created shall exist and be

continued twenty years, and the future state of Wisconsin through its Legislature may at any time alter or repeal this act.

SEC. 19. Said corporation may pass and enforce by penalties therein prescribed all needful rules and regulations in reference to travel on said road, to regulate the manner by which teams and vehicles of every description shall pass each other thereon, to provide and regulate the duties of all officers and agents of said company: *Provided*, that the penalty for any one offence shall not exceed fifty dollars over and above all damages which may be done by any person violating such rules and regulations.

SEC. 20. Said company shall not issue any certificates of deposit or any other evidences of debt to circulate as money under the penalty of forfeiting their charter.

APPROVED February 2, 1846.

AN ACT to provide for the improvement of Grant River at Potosi, in Grant county.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That James F. Chapman be, and he is hereby appointed a commissioner to superintend the work of cutting a canal from the main channel of the Mississippi River to the Grant River, at Potosi, in Grant county, and the said commissioner shall cause the said work to be commenced and prosecuted as far as the money appropriated for that purpose will enable him to do, on the line of said canal, as surveyed and marked out by Joshua Barney, the engineer employed for that purpose, by the commissioners appointed by an act entitled "an act to provide for carrying into effect an act of Congress entitled 'an act granting a section of land for the improvement of Grant river at the town of Potosi, in Wisconsin Territory, approved June 15th, 1844,'" approved