

turning from any military parade which they are required by law to attend, and persons going to or returning from funerals, shall be exempt, and no toll shall be exacted from any person or persons while actually going to or returning from any religious meeting on Sunday.

Penalty for damage to road.

SEC. 12. Any person who shall willfully break or throw down any gate on such road which may have been erected in pursuance of this act, or shall forcibly or fraudulently pass any gate without having paid the legal toll, or to avoid the payment of legal toll shall with his team, animal, or animals turn out of such road or pass any gate thereon and again return thereon, shall for each offense forfeit a sum not exceeding ten dollars to and for the use of said company, and shall also be liable for all damages done.

How charter forfeited.

SEC. 13. If said company shall not within five years from the passage of this act commence the construction of said road or shall not within ten years have completed a single or double track for a distance of six miles, or if said company shall misuse or abuse any of the privileges hereby granted, the legislature may reserve the rights and privileges vested in said company, or may establish rules for the government of said company in the use of said road.

May increase capital stock.

SEC. 14. The directors of said company may at an annual or special meeting of the stockholders with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company as may be necessary to complete said road.

SEC. 15. This act may be amended by any future legislature.

J. McM. SIAFTER,

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published July 1, 1852.*]

Chap 484

An act to incorporate the Hustisford and Toland Prairie Plank and Turnpike Road Company.

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

Commissioners.

SECTION 1. That Samuel W. Limann, Sybrant Hall, Edward Weitherall, Hiram Sanders, Luther Powers, Abel B. Sanford, Patrick Toland, L. S. VanOrden, and William Schman be, and they are hereby appointed commissioners, under the direction of a majority of whom subscrip-

tions may be received to the capital stock of the Hustisford and Toland Prairie Plank and Turnpike Road Company hereby incorporated, and they may cause books to be opened at such times and places as they shall 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 in one or more newspapers printed in Milwaukee, Jefferson, and Dane counties.

SEC. 2. That the capital stock of said company shall be thirty thousand dollars, with leave to increase to a reasonable amount, in shares of ten dollars each; and as soon as one thousand dollars shares of the capital stock shall be subscribed, and five per centum 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 a body corporate and politic, by the name of the "Hustisford and Toland Prairie Plank and Turnpike Road 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, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular matters and things which they are authorized by law to do for the interest and well being of said company.

SEC. 3. That the said commissioners or a majority of them, after the said thousand dollars shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned, of the time and place of meeting of the stockholders for the purpose of electing seven directors; and annually thereafter the said stockholders shall meet on the first Monday of July for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *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 time appointed, it 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 this charter shall not be avoided by reason of the irregu-

larity or want of such election; and in case of any vacancy in the board of directors, the same may be filled by the other directors or a majority of them.

Board of directors.

SEC. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders and be chosen annually by ballot, by the stockholders of said company, the votes to be given in person or by proxy duly authorized; which directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote; and in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

Powers of directors.

SEC. 5. Five directors shall be a quorum for the transaction of business, who in the absence of the president, may appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares; may forfeit to the use of the said company the share or shares of every person or persons failing to pay any installment, at a reasonable period not less than sixty days after the time appointed for the payment thereof. They shall have power to regulate tolls, to make such covenants, contracts, and agreements with any person or persons, or body politic whatsoever, as the execution and management of the works, and convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon; which stock shall be transferable in person, or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws of said company.

SEC. 6. The said company shall have power to locate a single or double, track plank or turnpike road from such

eligible point in the village of Hustisford, in Dodge county, by the way of Neosho to such eligible point on Tolands Prairie, in Washington county, and to unite and consolidate stock with any other plank road company, as shall be determined upon by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy, at a special meeting called for the purpose of fixing the location or termination of said road, and they shall have power to erect all such toll houses, bridges, and other works and appendages as may be necessary for the convenience of said company, in the use of said road, and also to connect the said road with other plank roads in the state of Wisconsin. The directors shall exercise all the powers conferred upon them by law, shall audit and pay all accounts for the compensation and salary of the officers they may appoint, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said stock, to the stockholders of said company on the first Monday of July and January of each year.

SEC. 7. It shall and may be lawful for the said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said plank and turnpike road, doing thereto no unnecessary damage, and when the said route shall be determined by the 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, not exceeding four 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 as shall be ascertained in the manner hereinafter described.

SEC. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners no such purchase or agreement can be made, then and in any such case it shall be lawful for any justice of the peace of the town in which the property may lie, to issue his warrant directed to the sheriff or any constable of said county, not directly interested, requiring

Route of road.

May enter on lands.

How damages settled.

him to summon a jury of nine freeholders of said county not interested in said property, to meet at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages; and before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that he will faithfully and impartially value the land or material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, according to best of his skill and judgment; whereupon the said jurors shall proceed to view the said land and material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by all or a majority of said jurors and by the justice; and the said justice shall within five days thereafter transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question and the value thereof as aforesaid, and such valuation, when paid, together with the costs of inquisition or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age, or *non compos mentis*, the service of notice upon the guardian or trustee, if any there be, or the absence from

Proviso.

the county, shall be required to be established by affidavit to the said justice before they shall proceed to make such valuation.

SEC. 9. The shares of stock of the corporation shall be deemed personal property, and every person becoming a stockholder by transfer, purchase, or otherwise, of shares of stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, [and the said shares] shall be liable to be taken in execution for judgment of debts of their owner, in such manner as may be provided by law: *Provided*, That all debts due said company shall be first paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes shall have given their written consent, which shall be recorded in the town clerk's office; or if the said commissioners refuse to give their consent, then the damages to the town shall be appraised or ascertained as in case of private property, and the amount so appraised for each highway so taken, shall be paid to the said commissioners of the town to which it belongs, to be by them applied in improving the roads of each town.

Stock deemed
personal property

Proviso.

Rates of toll.

SEC. 10. The directors may erect toll gates and exact toll from persons traveling on their road whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh, or carriage drawn by two animals; and if drawn by more than two animals, one cent a mile for each additional animal; for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent per mile; for one score of sheep or swine, three cents a mile; and for every score of neat cattle, four cents per mile: *Provided*, that persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals shall be exempt from toll.

SEC. 11. If any person shall willfully and knowingly obstruct, break, injure, or destroy the plank or turnpike road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to or in use upon the same, belonging to said company, said 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 by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by

Penalty for damage to road.

fine not less than fifty nor more than two hundred dollars, and imprisonment not exceeding thirty days, or either at the discretion of the court.

May increase
capital stock.

SEC. 12. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority in amount of such stockholders provide such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

How charter sus-
tained.

SEC. 13. If said corporation shall violate any of the privileges granted hereby, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company.

How to install-
ment.

SEC. 14. No installment shall be demanded of any stockholder, by the directors of said company exceeding one dollar for each share at any one time, nor while a sum exceeding three thousand dollars remains in the hands of the treasurer unappropriated to the work at that time contracted.

Penalty for evad-
ing toll.

SEC. 15. (*If*) any person who shall willfully break or throw down any gate on said road, which may have been erected in pursuance of this act, or do any damages 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 adjacent ground, 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.

Condition of
charter.

SEC. 16. If said corporation shall not within three years from the passage of this act, commence the construction of said plank and turnpike road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish, and put in operation a single or double track of plank and turnpike road from Hustisford to Tolands Prairie, as aforesaid, then the rights, privileges, and powers of said corporation under this act shall be null and void.

Public act.

SEC. 17. This act shall be favorably construed to effect the purposes hereby intened, 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.

SEC. 18. This act may be 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 April 19, 1852.

LEONARD J. FARWELL.

[Published July 6, 1852.]

An Act to incorporate the Manitowoc and Green Bay Plank Company.

Chap 485

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

SECTION 1. James Bennett, A. W. Preston, August Baensch, Oscar Rock, J. E. Platt, J. H. Jerome, George Hothersall, Gilbert Burnett, John Spencer, John B. Leist, Hugh Riley, Joseph Praquin, Joseph Alie, Clifford King, H. S. Baird, A. G. Ellis, and John Day, 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 Manitowoc and Green Bay Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall 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 in one or more newspapers printed in the county of Manitowoc or the county of Brown.

Commissioners

SEC. 2. The capital stock of said company shall not be more than one hundred thousand dollars in shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock with such other persons as shall thereafter associate with them for that purpose, their successors and assigns shall be, and are hereby created and declared a body corporate and politic, by the name and style of the "Manitowoc and Green Bay Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal, or mixed, and in their corporate name may sue or be sued, may have a common seal, which they may alter or renew at pleasure, and generally [may] do all and singular the matters and things which an incorporate company may by law do.

Capital stock.