

How charter forfeited.

SEC. 16. If said corporation shall not within three years from the passage of this act commence the construction of said plank road, and expend one 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 or gravel road between the places aforementioned, then the rights, privileges, and powers of the said corporation under this act shall cease and be determined.

Public act.

SEC. 17. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence in all courts and places.

SEC. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFER,

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published June 22, 1852.*]

Chap 415

An Act to incorporate the Mineral Point Rail Road Company.

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

Commissioners.

SECTION 1. That Francis Vivian, Parley Eaton, Francis J. Dunn, Cyrus Woodman, John Bracken, A. W. Comfort, Henry Koop, and John Milton, of the county of Iowa; Samuel Cole, Charles H. Lamar, John W. Blackstone, H. P. Ladd, Edward H. Gratiot, Charles Dunn, James H. Knowlton, and Joseph M. Brewster, of the county of LaFayette, 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 Mineral Point Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they may 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 subscription, by publishing the same, weekly, in a public newspaper printed in the county of Iowa.

Capital stock.

SEC. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars

each, and as soon as one thousand shares of stock shall be subscribed, and five dollars on each share 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 and created a body corporate and politic, by the name and style of the "Mineral Point Rail 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, as far as the same may be necessary for the purposes hereinafter mentioned and no further; 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 the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

SEC. 3. The said commissioners, or a majority of them, after said one thousand shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet for the purpose of electing nine directors, and annually thereafter the said stockholders shall meet on the first Monday in July for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: *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 regular time specified therefor, the same 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 that this charter shall not be avoided by reason of the irregularity or want of such election.

SEC. 4. The affairs of said corporation shall be managed by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, 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 the affairs of said company.

SEC. 5. None but stockholders shall be elected directors; and at every election, and in all other cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

SEC. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportion in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installments so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall [have] full power to regulate tolls, to make such contracts, covenants, and agreements with any person, co-partnership, or body politic whatsoever, as the execution and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed twenty dollars per share, and that no installment shall be called for by the directors without at least sixty days' notice thereof in the newspapers hereinbefore named.

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding on e

Each share of stock entitled to one vote.

Powers of directors.

Proviso.

To issue certificates,

To exhibit statement.

fourth in amount of the capital stock on like notice as that required for annual meetings, specifying moreover the object of such meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

SEC. 9. The said company shall have power to locate ^{and} Route of road. construct a single or double track rail road from such eligible point in the town of Mineral Point, Iowa county, to such eligible point or points in either of the townships of number one, north of the base line, and east of the fourth principal meridian, in the counties of LaFayette or Green, as shall be determined on by a vote of the stockholders holding a majority of the stock of said company, at a special meeting called for the purpose of fixing the location or termination of said road; and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct, and erect all such side tracks, turn-outs, and connecting tracks, and all such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages, as may be necessary for the convenience of the company for the use of the said rail road, and also to connect said rail road, and operate the same with other rail roads and branch rail roads in the state of Wisconsin, at any point within the limits of the county of Iowa.

SEC. 10. If said corporation shall not within three years How charter forfeited. from the passage of this act commence the construction of said rail road, then the rights, privileges, and powers of said corporation under this act shall be null and void.

SEC. 11. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any land May enter upon lands. for the purpose of exploring, surveying, and locating the route of said rail 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, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding five 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 shall be ascertained in the manner hereinafter directed and provided in such cases respectively.

SEC. 12. When the said corporation cannot agree with How damages settled. the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid to the

owner or owners of any land for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawful for any judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine or survey such lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said road or works appertaining thereto; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained, or may sustain by reason of the taking and using thereof by the said company; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damage, if any, to the owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, from the construction of such rail road, and judgment of the court shall be

Provide.

entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners shall have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on the guardian or trustee, if there be any, in such manner as the court may direct: *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractor for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

SEC. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, or for any damage for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the easement of the same so long as the land so valued and taken shall be used for the track of said rail road; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same.

SEC. 14. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passageway to enable all persons traveling such public road to pass over or under such rail road without inconvenience.

SEC. 15. For the convenience of persons owning or possessing land through which said rail road shall pass, it shall be the duty of said company when required, to make

Company entitled to land.

Not to obstruct highway.

To make passage.

Proviso. a good and sufficient passageway over or under said rail road, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passageway for each farm; and when any public road shall cross such rail road in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

May receive freightage. SEC. 16. On the completion of said rail road, or any portion of the track, not less than ten miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

Penalty for damage to road. SEC. 17. If any person shall willfully and knowingly break, injure, or destroy the rail road so to be constructed by said company, or any part thereof, or any work, building, or machinery 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, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property liable for debts. SEC. 18. The property of every individual invested in said corporation shall be liable to be taken on execution for the payment of his or her debts in such manner as may be provided by law: *Provided*, That all debts due said company shall be first paid.

May increase capital stock. SEC. 19. The stockholders holding a majority in value of stock, may at any annual or special meeting increase the capital stock of this company to an amount not exceeding eight hundred thousand dollars.

Public act. SEC. 20. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Violation of charter. SEC. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the state of Wisconsin may resume all and singular the rights and privileges hereby granted to said company. Original from

SEC. 22. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.

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

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published July 1, 1852.*]

An Act to incorporate the Dodge County Mutual Insurance Company.

Chap 416

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

SECTION 1. Edwin Hilger, L. B. Hills, G. W. Bly, J. Drummond, J. W. Brown, J. Look, N. J. Newton, J. G. Hilger, B. Hinkley, L. P. Preston, J. D. Tanner, J. N. Ackerman, Logan Graves, and their associates, and such persons as shall hereafter have property insured by the said company, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic in fact and in name, by the name of "The Dodge County Mutual Insurance Company." Created a body corporate.

SEC. 2. The said corporation hereby created, shall have power and authority to make contracts of insurance with any person or persons or any body corporate or politic, against loss by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time and for such premium or consideration, and under such modifications and restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them for insurance. May make contracts of insurance.

SEC. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, administrators, and assigns continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act; and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that Edwin Hilger, L. B. Hills, Josiah Drummond, B. Hinkley, J. N. Ackerman, George W. Bly, L. P. Preston, N. J. Newton, J. D. Tanner, Jos. T. Hilger, J. W. Brown, J. Look, and Logan Graves, shall Who to be members, Directors.