

office to recover such penalty, and when collected, the same shall be paid into the treasury of the state.

May be amended, &c.

SECTION 10. This act may be amended, altered or repealed at any time hereafter.

SECTION 11. This act shall take effect from and after its passage.

Approved April 8, 1865.

CHAPTER 371.

[Published May 26, 1865.]

AN ACT to incorporate the Oconto log-driving company.

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

Corporators.

SECTION 1. The following named persons, viz.: Anson Eldred, John Leigh, Paul McDonald, George Farnsworth, William M. Whitcomb, D. R. Holt and Robert Jones, and all such persons as shall hereafter become associated with them, by complying with the provisions of this act, as hereinafter contained, and their successors and assigns, shall be and are hereby constituted a body corporate, by the name and style of the "Oconto log-driving company," and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions and causes, contracting and being contracted with, may have a common seal, which they may alter at pleasure, and by that name shall be capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use of said incorporation.

Name and powers.

Further powers.

SECTION 2. The said Oconto log-driving company shall have power to borrow money, make and execute in the corporate name and capacity of said company, to any person or persons, and acknowledge the same, when it is required in the form of law, deeds of conveyance, bonds, mortgages, notes and other papers, of any kind or amount, as security for money borrowed or any debt due by said company to any such person

or persons, to improve the navigation of the Oconto river and its tributaries, by removing obstructions, deepening the channel, closing up side chutes and side cuts leading into sloughs, making dams and erecting side booms to drive logs, timber, cants and shinglebolts, and all other power requisite and necessary for the full and free exercise and enjoyment of all the powers and privileges granted to said company by this act.

SECTION 3. Any person who is an owner of logs, or interested in lumbering in said river or its tributaries, may become a member of said company by complying with the by-laws, and leaving with the secretary thereof a written request to that effect, which shall be recorded by the secretary in a book kept for that purpose, and also kept on file; and any person may, in like manner, withdraw from being a member of said company, by leaving with said secretary a written request, which shall be put on record and file; but no person shall withdraw as aforesaid without first paying or securing the payment to said company of any debts or assessments due said company from him.

Membership.

Withdrawal
from member-
ship.

SECTION 4. The affairs of said company shall be managed by a board of seven directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be elected annually by ballot, after the present year, by the members of said company, at such time and place and under such regulations as shall be prescribed by the by-laws or adopted by the board of directors; and it shall be the duty of the directors to notify the members of said company of the time and place of holding the annual meeting for such purpose, by publishing a notice thereof in some newspaper published in the county of Oconto, for three weeks successively, once in each week, previously to such election; and no person shall be elected a director who is not at the time a member of said company, and a mill-owner on the Oconto river or its tributaries.

Board of direct-
ors.

Notice of meet-
ing for election
of directors.

SECTION 5. The corporators named in the first section of this act, viz.: Anson Eldred, John Leigh, Paul McDonald, George Farnsworth, William M. Whitcomb, D. R. Holt and Robert Jones, are hereby declared the first board of directors, whose term of office shall continue until the first Monday in February, A. D. 1866, and until their successors shall be elected as

First directors.

Vacancies in board.

aforesaid; and if for any cause an election shall not be held at the regular time prescribed as aforesaid, the same may be had at any other time, upon thirty days' notice being given as aforesaid, and this charter shall not be impaired by reason of any irregularity or want of such election; and in case of a vacancy happening in the board of directors by death, resignation or removal, such vacancy shall be filled by the majority of the remaining directors of the board.

President—his duties.

SECTION 6. The first board of directors, at their organization, and their successors in office, shall elect one of their number as president, whose duty it shall be to preside at the meetings of the board, and in case of his absence, the said board may elect a president *pro tem*. The president shall, in addition, perform such other duties and acts as may be prescribed by the by-laws or required by [the] board of directors. The board of directors shall also appoint a secretary and treasurer, and may appoint such other officers, agents and laborers as they may deem necessary for conducting the business and doing the work, prescribe their duties and fix their compensation, and they may remove the same at pleasure. Should they think necessary, they may require bonds or securities from any such officers or agents. They may make and adopt all by-laws deemed best and necessary, and repeal any of such by-laws, audit accounts, control the funds and direct all the business of the company. The secretary shall keep a record of all proceedings of the meetings of said company and of the board of directors, which shall be open to all members of the company.

Secretary, treasurer, &c.

By-laws, &c.

Expenses of company—how apportioned.

SECTION 7. It shall be the duty of the directors, officers and agents of said company to keep a just and accurate account of all the expenses of said company from time to time, and the same shall be justly and equitably proportioned among the owners of such logs, timber, cants and shingle-bolts as are driven down said river (by said company, according to the distance driven down said river) and its tributaries, the prices to be graduated by the directors, both as regards distance and the expense of driving on each, which several amounts shall be paid or satisfactorily secured to said company within ten days after such logs, timber, cants and shingle-bolts shall reach the place designated by such owners; and the said company shall have a lien upon

Lien.

the said logs, timber, cants and shingle-bolts for their proportion of the expenses as aforesaid; and in case of failure of any person or persons to pay or satisfy his or their proportion, as aforesaid, within the said ten days, the said company may proceed at any time thereafter, and sell at auction a sufficient amount of such logs, timber, cants and shingle-bolts, of either kind, as will be sufficient to pay the proportion of the driving expenses due from such delinquent owners.

Sale of logs, &c. for payment of expenses.

SECTION 8. The said company shall have the right to drive down said river and its tributaries all logs, timber, cants or shingle-bolts belonging to said company, or either or any of the members of said company, or any other person, company or corporation that now are or hereafter may be placed in said river, from its upper sources to the several places on said river which may be designated by the said owners of such logs, timber, cants and shingle-bolts.

Between what points company may drive logs, &c.

SECTION 9. All persons hereafter placing or suffering their logs, timber, cants and shingle-bolts in said river or its tributaries, to remain there in such a manner as to mix with logs, timber, cants and shingle-bolts belonging to said company or the members thereof, or any other person, corporation or company for whom said log-driving company may be driving in any general drive of their said logs, timber, cants and shingle-bolts down said river or its tributaries, shall be deemed to have consented that their said logs, timber, cants and shingle-bolts may be driven down said river by said company, and shall be liable to pay said company the same proportionate prices for driving the same as are paid by the members of said company; and the said company shall have a lien upon all logs, timber, cants and shingle-bolts driven down by them, for such costs and expenses of driving the same, and may collect such charges in the manner specified and granted in the seventh section of this act.

Who shall be deemed to have consented that their logs, &c. may be driven by company.

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SECTION 10. The board of directors of said company shall choose and adopt a company mark, which may be changed from time to time by said board, which said mark shall be put upon all logs, timber, cants and shingle-bolts which may be found in said river, not in the actual possession of any person, without any mark upon the same; whereupon said logs shall be regarded as prize logs, timber, cants and shingle-bolts, and may

Company mark!

Prize logs.

be sold at auction by said board of directors, and the proceeds of said sale be placed in the general fund of said company, to be used for the improvement of said river, as specified in section two of this act.

Booms, &c. not
to obstruct navi-
gation.

SECTION 11. All booms, dams and other improvements made by said company in said river, shall be so constructed as not to obstruct the main channel, and shall have sufficient space for the free passage of rafts, logs, timber, cants and shingle-bolts; and said company shall be liable for all damages sustained by any person or persons for doing what is forbidden in this section.

By-laws, &c.

SECTION 12. All resolutions and by-laws adopted by the directors of said company, shall be binding on the members thereof, but none of such resolutions and by-laws shall conflict with the constitution and laws of this state.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved April 8, 1865.

CHAPTER 372.

[Published May 8, 1865.]

AN ACT to incorporate the Appleton city gas-light company.

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

Corporators.

SECTION 1. R. Z. Mason, Byron Douglas, James McGillan, James Gilmore, W. W. Crane, S. J. Roudebosh, James Ryan, Reuben Doud, Sam. Ryan, Jr., M. H. Sessions, M. H. Lyon, G. H. Myers, J. H. Marston, and their associates, for the purpose of boring and mining for gas, and establishing gas-works, and purchasing and holding real and personal estate, and operating in the county of Outagamie, and state of Wisconsin, (*be and they*) are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Appleton city gas-light company, and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and

Name and pow-
ers.