

No. 60.

AN ACT to incorporate the Root river railroad company.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That Norman Clark, Marshall M. Strong, Gilbert Knapp, Henry F. Cox, Jr., and Elias Smith, their heirs and assigns be, and they are hereby declared to be a body corporate and politic, under the name and style of the Root river railroad company, for the term of thirty-six years, and as such corporation, they are hereby declared capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatever; and in all manner of actions, suits, complaints, matters and cases whatsoever; and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the purpose of carrying into effect the privileges secured to said corporation by this act and none other.

Duration of charter and powers of company.

SECTION 2. The capital stock of said company shall be twenty-five thousand dollars, to consist of five hundred shares, of fifty dollars each. That the said Norman Clark, Marshall M. Strong, Gilbert Knapp, Henry F. Cox, Jr., and Elias Smith, be and they are hereby appointed the first directors, and are authorized to elect their president from their own number and to conduct every operation of said company until the first day of January, one thousand eight hundred and thirty-nine, and thereafter the said corporation, their heirs or assigns shall annually elect the directors, each person voting according to the number of shares of which he may be owner. Instalments shall be paid whenever required by the directors, thirty days' previous notice of the payment thereof having been publicly given, and if any stockholder shall fail to comply with any call or demand for the payment of any instalment, he or she shall forfeit his or her shares, and any previous payments made thereon; and it shall be lawful for the said company to make divisions of the surplus capital and net profits which shall accrue thereon from time to time, in such manner as the directors shall see fit to employ or dispose of the same for the benefit of the stockholders therein.

Capital stock.

Instalments when paid.

Within what
time to con-
struct road.

SECTION 3. The said company shall, within five years after the passage of this act, construct and complete a railroad, from, at, or near Ball's mill, on Root river, to the head of the lower rapids on said river, and said company shall have the privilege of extending said railroad to the town of Racine, and up said river, the whole road not to exceed ten miles in length, with power to transport, take or carry property and persons upon the same, by the power and force of steam or animals, or of any mechanical or other power, or of any combination of them, and if said company shall not commence said road on or before the fourth day of July next, and finish it within the time herein specified, the said company shall forfeit all their privileges given by this act.

Duties of com-
pany.

SECTION 4. It shall be the duty of the president and directors of said company at all times to keep said railroad in good repair and furnished with cars to carry persons, transport goods and merchandize, or any freight that may be offered.

Toll may be
limited.

SECTION 5. It shall be in the power of the legislative assembly to limit the toll and terms of freight on the aforesaid railroad, should they deem it proper, at any time hereafter.

When charter
may be an-
nulled.

SECTION 6. It shall be in the power of the legislative assembly of this territory, if the said company shall not prosecute the said work, or should misuse or abuse their privilege, any time to annul and destroy the charter hereby granted; it shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating said route of the said railroad, 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, and at any time, to enter upon, take possession and use such lands; and also to take from any land in the neighborhood, gravel and stone, for the purpose of constructing and maintainieg such railroad, subject, however, to such compensations as the said company may have agreed to pay therefor, or as shall be ascertained in manner hereinafter respectively directed: *provided*, that the said corporation shall not in their corporate capacity, hold, purchase, deal in, or speculate in any lands with-

Powers of
company.

in this territory other than on the land on which said road shall run, and which may be actually necessary for the construction of said road. When the said company cannot agree with the owner or owners of such required lands for the purchase thereof or for damages sustained by such owner or owners of any land, gravel or stone, taken for the purpose aforesaid, or when by reason of legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, application may be made to any justice of the peace of the proper county in which the property wanted may lie, who shall thereon issue his warrant under his hand and seal, directed to the sheriff of said county, requiring him to summon a jury of five good and lawful electors of his county not interested, to meet on or near the property or materials to be valued, on a day and hour named in said warrant; no less than five, nor more than ten days after the issuing the same; and before they act, the sheriff shall administer an oath to each, that they will well, truly, faithfully and impartially value the land or materials so to be valued, and their verdict shall be subject to appeals as in other cases.

How prices
fixed.

Approved January 11, 1838.

No. 61.

AN ACT to authorize Jean Brunet to establish and keep a ferry across the Wisconsin river.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin as follows:* That Jean Brunet, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Wisconsin river at that place where the military road, running from Prairie du Chien to Fort Winnebago, crosses said river, for the term of ten years from and after the passage of this act: *provided*, that said ferry, when so established, shall be subject to the same regulations as other ferries are or may be hereafter by law in this territory, fixing the rates of toll and prescribing the manner in which licensed ferries shall be kept and attended to.