

An Act to lay out a State road in the counties of Jefferson and Waukesha.

Chap. 146

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

SECTION 1. That John Heath, Ezra W. Lurvey and Talbot C. Dousman are hereby appointed commissioners to lay out and establish a State road commencing at an angle-post in the Jefferson and Milwaukee road, on section nine in the town of Sullivan, county of Jefferson, thence to Heath's Hill on section fourteen, range sixteen, town six, thence by the most feasible route to Gifford's corners, in the town of Ottawa, county of Waukesha. Provided, no money shall be drawn from the State treasury to defray the expenses thereof.

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

FREDERICK W. HORN,

*Speaker of the Assembly.*

DUNCAN C. REED,

*President pro tempore of the Senate.*

Approved, 5th, 1851.

NELSON DEWEY.

An Act to lay out a State Road from Grand Rapids in Portage County to Prairie La Crosse.

Chap. 147

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

SECTION 1. That Timothy Burns, G. W. Cote and John Werner, Junior, are hereby appointed commissioners to lay out a State Road from Grand Rapids in Portage county to Prairie La Crosse on the nearest and best route: Provided, That no part of the expense of laying out said road shall be paid out of the State Treasury.

FREDERICK W. HORN,

*Speaker of the Assembly.*

DUNCAN C. REED,

*President pro tempore of the Senate.*

Approved March 5th, 1851.

NELSON DEWEY.

An Act to incorporate the Fox and Wisconsin river Plank Road Company.

Chap. 148

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

SECTION 1. A. B. Bowen, E. C. Foote, J. S. Buck, John Stephens, A. E. Horton, N. F. Bliss and Angus McCaluey, be and are hereby appointed commissioners, under the directions of

Commissioners to give notice that subscriptions will be taken.

a majority of whom, subscriptions may be received to the capital stock of the Fox and Wisconsin river plank road company, 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 receiving subscriptions, by publishing in a newspaper printed either in the county of Portage or Brown, and if there should be no newspaper printed in either of the said counties, then in some newspaper printed in some county thereto adjoining.

Grant of corporate powers

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continual succession, by the name and style of "The Fox River Plank Road Company," for the purpose of constructing a Plank Road from Stephen's Point in the county of Portage, to Grand Chute in the county of Brown; and also to construct a branch Plank Road to the Grand Kaukana and also to connect with the Manitowoc and Menasha Plank Road, at such point as may be deemed advisable by said company; which company shall have power to sue and be sued, in all courts, to receive by gift or purchase, and hold all such real and personal estate as may be necessary for the construction and management of said road, and the same to sell, convey or lease, to contract or be contracted with in all matters pertaining to the object of said road; to have and to use a common seal, and pass all by-laws necessary for the government of said company.

Stock transferable.

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

Commissioners to give notice of election of Directors.

SEC. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for and distributed, and ten per cent paid thereon to said commissioners, for the use of said company, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders at such time and place as they shall designate by giving public notice thereof in a newspaper published in either of the counties through which said road is run, or if no newspaper is published in either of the counties through which said road is run, then by publishing the same in an adjoining county for the purpose of choosing seven directors for said company and the persons then chosen shall be the first directors of said company and shall hold their office for one year and until others are chosen in their stead. The board of directors shall choose one of their number President of the company, who shall hold his office one year and until his success

or is elected. At every election of said company each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

SEC. 5. The company when organised shall have the right to locate or construct a single or double track plank road between the points mentioned in the second section of this act, or any part of the distance, and may connect the same with any other plank road. The track of said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each, so as to have a hard, smooth and even surface. The particular manner of building said road to be determined by the said board of directors.

Manner of construction to be fixed by Directors.

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper authorities are hereby authorised to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

Location—how determined.

SEC. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereunto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings, or any fixtures for the purpose of trade or manufacturers, or any yard or enclosures necessary to the use and enjoyment thereof, without permission from the owners; and when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands to the width of four rods; and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as may be awarded by any court of competent jurisdiction.

Conditional occupation of Lands.

SEC. 8. The directors of said company may appoint a secretary, treasurer, and such other officers as they may find necessary, and shall have full power to decide the time and manner and proportions in which said stockholders shall pay the money due on their respective shares, and to forfeit to the use of said company any share or shares held by any person or persons failing to pay any instalment so required to be paid, after

Shares—when forfeited.

Proviso.

advertisement of the same for a period of not less than sixty days in a newspaper as hereinbefore provided: Provided, that no instalment called in at any one time shall exceed four dollars per share, and no instalment shall be called in by the directors without giving at least thirty days' notice thereof in a newspaper as aforesaid.

Certificate of Stock transferable.

SEC. 9. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for, or hold in the said company, signed by the president, countersigned by the secretary and sealed with the common seal, subject however to all the payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided in the by-laws of the company.

Special meetings, how called.

SEC. 10. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors, or by any number of stockholders holding one fourth in amount in capital stock of the company, on like notice as required for annual meetings, but no business shall be transacted at such special meetings unless a majority in value of all the stock shall then and there be represented.

Rates of Toll.

SEC. 11. On the completion of said road or any portion of the track not less than three consecutive miles, the company may erect one or more toll-gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they think reasonable not exceeding two cents per mile for any vehicle drawn by one or two animals; one cent per mile for every additional animal; for every horse and rider or led horse one cent per mile; for every score of sheep or swine one cent per mile; and for every score of neat cattle two cents per mile.

Penalty for wilful obstruction.

SEC. 12. If any person shall wilfully or knowingly obstruct, break or injure or destroy the road so to be constructed by said company, or any part thereof, or any work or fixtures 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, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also 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.

SEC. 13. The property of every individual, which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, that all debts due said company from such individuals shall be first paid. Property subject to execution in payment of debt.

SEC. 14. The debts and liabilities of said corporation shall not exceed in amount at any one time fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities as provided for in this act. Directors, when individually liable.

SEC. 15. The directors of said company may, at any 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 to complete said road. Stock—how increased.

SEC. 16. If said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same. Limitation.

SEC. 17. The said company shall be liable for all injury which any person may sustain in his person or property, by reason of the said road being out of repair, or of any defect in said road. Liability of Company.

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

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved, March 6th, 1851.

NELSON DEWEY.

AN Act to amend Section Fifty-six of Chapter Sixteen, of the Revised Statutes

Chap. 149.

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

SECTION 1. That so much of Section fifty-six, of chapter sixteen, of the Revised Statutes, as provides that the damages allowed by the Supervisors in the laying out or altering any highway, shall not in the aggregate exceed fifty dollars upon any one road so laid out or altered by them, is hereby repealed.

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved March 6th, 1851.

NELSON DEWEY.