

SEC. 14. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass 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, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of the said company, and also for all damages done to the profits of said company in an action of trespass.

Penalty  
avoiding Toll

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for 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.

Capital Stock  
how increase

SEC. 16. If said company shall not, within three years from the passage of this act, commence the construction of said plank 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 plank road, the rights, privileges and powers of the said corporation under this act shall be null and void.

Conditions of  
Charter.

SEC. 17. 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.

Rule of E  
vidence.

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.*

DUNCAN C. REED,

*President pro tempore of the Senate.*

Approved March 12th, 1851.

NELSON DEWEY.

An Act to incorporate the Milwaukee and Lisbon Plank Road or Turnpike Company

Chap. 24

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

SECTION 1. The stockholders of the Milwaukee and Lisbon Plank Road Company having been duly organized and having complied with all of the provisions of chapter fifty of the Revised Statutes requisite for a complete organisation, under the

Name of corporation.

Corporate powers.

general Plank Road Law, according to the affidavit of the directors of said company endorsed on the articles of association, now on file in the office of the Secretary of State, and not being able to accomplish the objects of said association under the general law, are hereby declared a body politic and corporate by the name and style of "The Milwaukee and Lisbon Plank Road Company," with perpetual succession, and they shall retain all the rights and be subject to all the liabilities acquired or incurred under their previous organisation, and shall have all the privileges, franchises and immunities incident to a corporation, to wit: They shall be capable in law in their corporate capacity of suing and being sued, of purchasing, holding, leasing, and conveying estate either real, personal, or mixed, and in their corporate name 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 they are authorised by law to do for the interest and well being of said company.

Election of Directors—how conducted.

SEC. 2. That the business and property of this company shall be managed and conducted by a board of seven directors, who shall be elected annually, at such time and place as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding such election, of not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws of said company. The election of the directors shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he or she shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy or vacancies shall happen in the board of directors, such vacancy or vacancies shall be filled for the remainder of the term by the remaining directors. The directors shall hold their office for the term of one year, and until others are elected in their place, and no person shall be a director unless he is a stockholder in the company. And no stockholder shall be entitled to vote for directors or for any other purpose, unless all assessments due on his stock shall have been paid before such election.

Stock to vote.

Qualification of voters.

Special Elections—when to be held.

SEC. 3. That in case it shall happen that an election for directors shall not be held on the day fixed for such election by the by-laws of said company, such corporation shall not for that reason be dissolved, but it shall be lawful to hold an election on any other day, for directors, as shall be provided for in the said by-laws and in all such cases the same notice of the time and place of holding such election shall be given as is required in the preceding section and all of the acts of the di-

rectors shall be binding as against said corporation until their successors shall have been elected.

SEC. 4. Four directors shall form a quorum for the trans- Quorum.  
action of business and the acts of a majority of such quorum shall bind the corporation.

SEC. 5. The directors at their first meeting after their elec- Directors to  
choose a Presi-  
dent.  
tion shall choose one of their number as President, and they shall supply a vacancy in the office of President whenever the same shall occur.

SEC. 6. The President and directors shall have power to General and spe-  
cific powers of  
Directors  
make and prescribe such by-laws, rules and regulations respecting the transfer of the stock, and the management and control of the property, business and affairs of said corporation as they may deem proper, and not inconsistent with the constitution and laws of this State or of the United States. 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, not exceeding ten per cent. in any one instalment, nor shall any two instalments be required to be paid within thirty days of each other. They may sue for instalments in the name of the corporation, after the same shall have been due thirty days, or may declare the shares of stock, on which said instalment shall have remained so due, forfeited to the use and for the benefit of said company, provided the same be not paid within thirty days after the publication of a notice to that effect in some paper published in the county where the owner or owners of such shares shall reside. And in case no paper shall be published in such county, then the same may be published in a paper in an adjoining county, or by written notice served upon such owners. They shall exercise all powers conferred on them by law, and pay all accounts, give and receive such receipts and discharges of debt as shall be deemed by them for the best interests of said company. They may prescribe the time for the meetings of stockholders, appoint and remove at their pleasure, a Secretary and Treasurer, an Engineer, and such other officers as they may find necessary, and prescribe the duties and compensation, and may require such security as they may think proper for the faithful performance of their trusts. They shall meet at such times and places as shall be prescribed in the by-laws. They shall have power to regulate tolls, and to make such covenants, contracts and agreements with any person or persons, or body politic whatsoever, as the execution and management of the work and construction of said road, the convenience and interest, the consolidation of the stock of said company, and the prosperity of said company.

may require, and in general to superintend and direct all the operations of said company.

Division of capital Stock.

SEC. 7. The capital stock of said company shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of twenty-five dollars each. And said company shall have power to construct a single or double track plank road or turnpike road of a hard and even surface, and of sufficient width to admit of the easy passing of wagons and carriages from the city of Milwaukee to the village of Merton, over the route as located by said company under their former organisation. And they shall have power to extend said road to any eligible point in Dodge county, and may survey and locate said extension as soon as twenty-five thousand dollars shall have been actually expended on the main line of said road. And they shall have power to construct and build a branch road, commencing at some point between Milwaukee and Merton, and extending north or north-westerly, of not less than six, nor more than twenty-five miles in length. And they shall have power to erect all such gates, toll houses, bridges and other works and appendages as may be necessary for the convenience of said company in the building and use of said road, and also to connect said road and branches, or either, with any other road in Wisconsin, and to unite and consolidate their stock with any such plank or turnpike road.

Road may be extended conditionally.

Consolidation of Stock.

Occupation of lands—when lawful.

SEC. 8. 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 plank or turnpike road doing thereto no unnecessary damage, and when 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 for the purposes of said road, 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 directed and provided for.

When Justice may issue warrants summoning Jury.

SEC. 9. 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 agreement or purchase can be made, then, and in such case it shall be lawful for any Justice of the Peace of the county in which the property may lie, to issue his warrant to the sheriff or any constable of said county not directly interested, requiring 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 or her 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 sheriff or constable shall administer to each of them an oath or affirmation, that he will faithfully and impartially value the lands or materials required for said road and all damages which the owner or owners shall sustain by reason of the construction of said road taking into consideration the advantage the same will be to the owner or owners according to the best of his skill and judgment, whereupon the said jurors shall proceed to view the land or materials so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of said jurors and by the sheriff or other officers in attendance, and the said officer shall within five days thereafter, transmit the same to the Clerk of the county 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 such 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 there be any) or their absence from the county shall be required to be established by affidavit to the said jurors before they shall proceed to make

Jury to act under oath.

Jury, &c., to report to County Clerk.

Title, how perfected.

Provide.

Upon whom notice to be served

Provide.

such valuation: Provided further, That in case of disagreement, the company shall not take possession of any land or material until said jury shall have first decided that the taking thereof is necessary, and in the case of materials that the same are not essentially necessary to the owner or owners, for his, her, or their private use.

Shares subject to execution for debt.

SEC. 10. 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 said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and said shares shall be liable to be taken in execution for the payment of the debts of their owners in such manner as is or 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 them 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 for each highway so taken, or ascertained as in the case of private property, and the amount so appraised for each highway so taken, shall be paid to said commissioners of the town to which it belongs, to be by them applied in improving the roads in such town. And the commissioners of highways of such town shall be deemed the owners of such highway so taken for the purpose of service of notice of inquest, &c.

Appropriation of Highways—how made.

Rates of Toll.

SEC. 11. The directors may erect toll-gates, and may exact toll from all persons traveling on their road, whenever two 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 every additional animal. For every vehicle, sled, sleigh or carriage drawn by one animal, one cent a mile, and for every horse and rider or led animal, one cent a mile, and for every score of neat cattle, four cents a mile: Provided, That persons going to and returning from military parade, at which they are required by law to attend, and persons going to and returning from funerals, shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meetings on Sunday.

Provide.

Penalty for wilful injury.

SEC. 12. If any person shall wilfully or 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, such person or persons so offending, shall each and every of them for every such offence, be liable in a civil suit for the recovery of the damages by said company, by an action of trespass 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 fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both, at the discretion of the court.

SEC. 13. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders, provide for 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. Capital Stock—  
how increased.

SEC. 14. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act. Conditional res-  
ervation.

SEC. 15. Said company shall be liable for all damages that may be sustained by any person or persons, in consequence of the omission or neglect to keep said road in good repair and condition. When company  
liable.

SEC. 16. Leander Comstock, Joseph A. Phelps, R. Hoppin, Jr., Clark Brookins, Albert Fowler, Levi Russell and Lucius Botsford, having been duly elected directors of the Milwaukee and Lisbon Plank Road Company according to the former by-laws, rules and regulations of said company, are hereby declared to be the board of directors of this company and shall hold their office for the term of one year from the time they were so elected and until others shall be duly elected, and all their acts, and doings shall be as binding upon said company as they would be if they had been elected according to the provisions for the election of directors herein contained. Who declared  
Directors.

SEC. 17. Each toll gatherer may detain and prevent from passing through his gate all persons riding, leading, or driving animals or carriages subject to tolls until they shall have paid respectively as authorised by this act; and any person who shall forcibly or fraudulently pass any toll gate erected on said road in pursuance of this act, without having paid the legal toll, and any person who to avoid the payment of legal toll shall with his carriage or horse or other vehicle or animal or animals, liable to toll turn out of such road or pass any gate thereon, or ground adjacent thereto, and enter again on said Penalty for  
avoiding pay-  
ment of toll.

road shall for each offence be liable to a fine not exceeding ten dollars.

Rule of evidence

SEC. 18. This act shall be favorably construed to effect the purposes thereby intended in all courts and places 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 of all provisions herein contained, and shall be binding upon said company from and after the time when the President and directors of said company chosen under their former organisation shall have filed their certificate of the acceptance of this act in the office of the Secretary of State.

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved March 12, 1851.

NELSON DEWEY.

Chap. 243

An Act to exempt certain persons from paying a poll tax.

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

Poll tax exemption.

SECTION 1. The commissioned and non-commissioned officers, musicians and privates of each organized company of artillery, light infantry, riflemen or cavalry, which is now or shall hereafter be formed pursuant to chapter twenty-five, title nine, part first of the Revised Statutes, shall be exempt from paying a poll tax.

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved, March 12th, 1851.

NELSON DEWEY.

Chap. 244

An Act to declare a certain road in the village of Hazel Green a public highway.

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

§ Road declared public highway.

SECTION 1. That so much of the road leading through the village of Hazel Green in the county of Grant, commencing on the north line of lot number two (2,) in block number three (3,) in lower Hazel Green, running thence nearly north to the southeast corner of the north-west quarter of section twenty-five, in town one north, range one west of the fourth principal meridi-