

An Act to incorporate the Sheboygan and Calumet Plank Road Company.

Chap. 331

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

SECTION 1. Warren Smith, Henry L. Anable, Ames Adams, E. Fox Cook, A. P. Lyman, Charles E. Morris, — Ellis, Charles Greening, William Poulson, William Fowler, Alonzo D. Dick, and James Cramond, be, and are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Sheboygan and Calumet 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 Sheboygan or Calumet county.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with continued succession, by the name and style of the Sheboygan and Calumet Plank Road Company, for the purpose of constructing a plank road from the village of Sheboygan, in the county of Sheboygan, to a point on Lake Winnebago, in the town of Manchester, Calumet county, where the Plymouth and Manchester state road terminates, which company shall have power to sue and be sued in all courts, to receive by gifts or purchase, and hold all such real and personal estate as may be necessary for the construction and management of said road, to have and use a common seal, and pass all by-laws necessary for the government of said company.

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

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 county, through which said road is run, for the purpose of choosing five directors of said company, and the persons there chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall choose one of their number as President of the company, who shall hold his office for one year, and until his successor is elect-

Commissioners appointed to receive subscriptions.

Incorporation.

Corporate Power.

Shares of stock transferable.

Commissioners to give notice of election of directors.

ed. 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.

Stock to vote.
Company may locate and construct road.
 SEC. 5. The company, when so organized, shall have the right to locate and construct a single or double track plank road between the points mentioned in section [two] of this act, or any part of the distance, and may connect the same with any plank or other road. The track of said road shall be constructed of timber and plank, stone, 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.

When highways may be used.
 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 purpose of said road; and the said proper authorities are hereby authorized to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

Condition of Charter.
 SEC. 7. If said company shall not, within five years from the passage of this act, commence the construction of said road, then, and in that case, it shall be considered a violation of their charter, and all the rights, privileges and powers of said company under this act may be resumed by the State of Wisconsin, and such disposition made with regard to any portion of said road which may have been constructed, as the Legislature thereof may deem meet and proper, consistent with law and justice.

Appropriation 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 road, doing thereto 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 purposes of trade or manufactures, or any yard or enclosures necessary to the use and enjoyment thereof, without permission of 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

Compensation to be made.

to pay therefor, or shall be ascertained as in the manner hereinafter directed and provided in the case of lands.

SEC. 9. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company; but if the parties cannot agree upon such persons, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose, upon him made, or if such owner shall be under legal disability, or out of the State, then it shall be lawful for the Judge of the circuit court of the county in which such land lies, on application of either party, and at the costs and charges of said company, to appoint three disinterested persons of the said county to view and examine said lands, and to estimate the injury or damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction of said road, and report the same under oath or affirmation to the circuit court of said county, which report being confirmed by said court, judgment shall be entered therefor. The said viewers shall be entitled to two dollars per day each for their service, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: Provided, that in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company; and it shall be the duty of the appraisers estimating such damages, to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road. Provided, further, that either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issue arising in said court. And provided, also, that upon payment of the sum specified in the report of said viewers or appraisers to the owners of said land, or a deposite of the same for their benefit with the clerk of the cir-

Parties may appoint appraisers

Company to pay expenses.

When Judge of Circuit Court may appoint appraisers.

Judgment rendered on report.

Compensation of viewers.

When costs paid by owners.

Proviso.

Appeals to be tried as other issues.

cuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Directors to decide manner of payment for stock.

SEC. 10. The directors of said company may appoint a Secretary, Treasurer, and such other officers as they may deem necessary, and shall have power to decide the time and manner and proportions in which stockholders shall pay money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any instalment so required to be paid, after advertisement of the same for a period not less than sixty days, in a newspaper as herein provided: Provided, that no instalment called in at any one time shall exceed five 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.

Provide.

Certificates subject to payment due or to become due.

SEC. 11. 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 and countersigned by the Secretary, and sealed with the common seal; subject, however, to all 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. 12. At every 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 said company for such year; and special meetings of the stockholders may be called by the directors, or by any member of the stockholders holding one-fourth in amount of capital stock of said company, on like notices 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 be then and there represented.

Rates of toll.

SEC. 13. On the completion of said road, or any portion of the track, not less than five 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 may think reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals, one cent 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 damage.

SEC. 14. If any person shall wilfully and knowingly obstruct, break, or injure, or destroy the road so constructed by said company, or any part thereof, or any work or fixtures at-

tached 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 a Court having competent jurisdiction in the county.

SEC. 15. 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

Proviso.

SEC. 16. The debts and liabilities of said corporation shall not exceed in amount at any time fifty per cent. of its capital already 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 in law, as provided for in this act.

When directors individually liable.

SEC. 17. 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 as may be necessary to complete said road.

Capital stock, how increased.

SEC. 18. If said company shall abuse 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.

Reservation.

SEC. 19. That said company shall be liable for all injury or damage which any person may receive in his person or property, by reason of the said road being out of repair, or any defect in said road.

When company liable.

SEC. 20. This act may be altered or amended by any future legislature of the State of Wisconsin.

Amendments.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, March 15th, 1851.

NELSON DEWEY.

An Act to provide for levying a State tax.

Chap. 332

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

SECTION 1. There shall be levied and collected for the

STATE OF WISCONSIN, }

SECRETARY'S OFFICE, }

I have compared the Acts, Resolutions and Memorials contained in this book with the originals deposited in this office, and do hereby certify that the same appear to have been correctly printed, excepting such errors as are corrected in the following ERRATA, and such minor variations as do not change the meaning or sense of the original text.

Witness my hand and the Great Seal of the State at Madison, this fifteenth day of May,

L. S. A. D 1851.

WM. A. BARSTOW, SECRETARY OF STATE.

ERRATA.

- Page 9, Chap. 8, Sec 1, line five, for *forty-nine* read "fifty-nine."
 Page 15, Chap. 21, Sec 1, for first three lines read, "It shall be the duty of the Commissioners of the School and University Lands to convey to the United States of America, in the same manner that other School lands are by them conveyed, the following described lands"
 Page 29, Chap. 37, in title, for *rejection* read "ejection;" and for Approved *January 19th*, 1851 read "Approved February 4th, 1851."
 Page 29, Chap 38, for Approved *January 29th*, read "Approved February 4th"
 Page 38, Chap 34, Sec. 1, last line, before *Iowa*, read Grant and also "in one printed in the county of"
 Page 198, Sec 1, for *John C. Holmes*, read John E. Holmes;" and for *E. W. Graves*, read "D. W. Graves"
 Page 223, Chap 220, read "Sec 9 This act shall take effect from and after its passage."
 Page 232, Sec 289, for *Brigham*, read "Bingham"
 Page 233, Chap 241, Sec 1, line six, for *Stowund*, read "Stow and."
 Page 243, line five, for *Kock* read "Bark"
 Page 256, Chap 262, line six, for *Beard* read "Baird;" and for *Lay*, read "Loy."
 Page 268, Chap 262, line six, Sec 7, for *the amount of tolls*, read "and determine the price for transportation of freight and the fare of passengers."
 Page 272, Chap. 268, line one, for *Zelotee*., read "Zelotus;" and line two, for *Brecker* read "Becker."
 Page 273, line thirty eight, for *examination* read "execution."
 Page 274, line five, for *such* read "each"
 Page 278, Chap 280, for D. *Haltz*, read D Holt, Jr.
 Page " Chap 281, for *Carmon & Ladd*, read "Cannon & Ladd."
 Page 279, Chap 282, for *ten* read "two." in line two
 Page 280, Chap 285, Sec. 1, line five, for *N. S* read "U. S."
 Page 280, Chap 286, Sec 2, line six, for *executing* read "Executive"
 Page 281, Chap 287, Sec. 2, line two, for *election* read "appointment;" and Sec 12, line one, for *ten* read "five;" and in the last line, for *elected* read "appointed"
 Page 284, Chap 288, line nine, after *license*, read, "to be recovered in the name of the County Treasurer before any Justice of the Peace in an action of debt."
 Page 287, Chap. 291, Sec 1, line seven, for *sixty cents* read "sixteen cents"
 Page 290, Chap 297, line two, for *Doussman*, read "Dousman;" and for *Olset*, read "Vliet;" in line three
 Page 292, Sec 6, for *Oliet* read "Vliet."
 Page 299, Chap 303, line four, for *Waucoma* read "Waucoma"
 Page 345, Chap 315, title, before *Contingent* read "payment of the"
 Page 318, Sec 13, line two, for *ninety-five* read "twenty-one"
 Page 319, Chap 322, for *Halpin* read "Halpin."
 Page 351, Sec 4, line two, for *increase* read "income" and Sec. 5, line three, for *fifteen* read "fifty-four"
 Page 360, Sec 12, line six, for *member*, read "number"
 Page 361, Sec. 16, line three, for *already*, read "actually."
 Page 362, Sec 1, Chap 323, line one, for *four*, read "[four]."
 Page 363, Chap 340, for *Beloit*, read "Beloit"
 Page 372, Sec 1, line two, for *Charles E. Glinger*, read "Charles Hisinger"
 Page 383, line one, for *and* read "out."
 Page 388, line six, Chap. 384, for *suit* read "suit;" and line ten, for *ret razit* read "ret razit."
 Page 393, Chap 368, for *H Ladd*, read "H. Sadd"
 Page 395, Chap 368, line four, strike out the word "five."
 Page 398, Sec 4, line eight, for *Appointed*, read "Approved."
 Page 408, line seven, for *balance*, read "ballot."
 Page 418, Sec. 7, line 7, after *transportation*, read "and to direct the mode and condition of transferring the stock aforesaid;" and Sec. 8, enclose all between the words *missor* in line eight and *person* in line nine, in brackets.
 Page 427, Sec 3, line five, for *Officers*, read "affairs."
 Page 437, for *Isaac J. Walker*, read "Isaac P. Walker."

[NOTE.—In preparing these acts for publication, where a superfluous word has been found in the enrolled bills, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus*). Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [*thus*]; thus adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity.]