

accrue to such individual or individuals by virtue of such subsequent sale, can only be perfected by paying to the county the amount of the claim which may be recorded against such lands, by virtue of the preceding sale made to such county. Titles perfected only on payment of arrears.

SEC. 2. That all acts and parts of acts contravening the provisions of this law be and the same are hereby repealed. Acts repealed.

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved March 17th, 1851.

NELSON DEWEY.

An Act to provide for Clerks in the Offices of Secretary of State, State Treasurer and Superintendent of Public Instruction. **Chap. 389**

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

SECTION 1. The Secretary of State, State Treasurer, and Superintendent of Public Instruction, are hereby authorised and required to employ at the expense of the State, the necessary clerks in their respective offices to be paid quarterly out of the State treasury, for which purpose an appropriation is hereby made: Provided, That such payment shall not exceed the sum of three hundred dollars per year to each of said officers. Certain State Officers to employ clerks. Proviso. Sum appropriated.

SEC. 2. So much of any law of this State as conflicts with the provisions of section one of this act, is hereby repealed. Conflicting acts repealed.

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved March 17th, 1851.

NELSON DEWEY.

An Act to incorporate the Delavan Railroad Company.

**Chap. 390**

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

SECTION 1. William C. Allen, Franklin K. Phoenix, Nicholas M. Harrington, Aaron H. Taggart, Otis Preston, Joseph D. Morrell, Jr., Thomas McHugh, Charles H. Sturtevant, Milo Kelsey, Philetus S. Carver, Samuel C. Kelsey, John L. Ward, James Mabie, Rial M. Weed, and Thomas James, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and

Name and powers of corporations.

assigns, are hereby created a body corporate by the name of the "Delavan Railroad Company;" and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy and retain to them and their successors, lands, tenements, and hereditaments, so far as may be necessary for the purpose of said railroad; and the same to sell, grant, rent, or in any way dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, and also to make, have, and to use a common seal, the same to alter, break, or to renew at their pleasure; and if either of the persons named in this section shall die, refuse, or neglect to execute the powers or to discharge the duties thereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

Who may fill vacancies.

Corporation may make surveys, &c.

SEC. 2. The said corporation are hereby empowered to cause such examination or surveys to be made, as shall be necessary to ascertain the most advantageous route whereon to construct a railroad, and shall cause an estimate to be made of the probable cost thereof, for each mile separately; and the said corporation shall be and are hereby invested with the right to construct a railroad, with one or more railways or tracks, from some convenient point in the village of Delavan, in the county of Walworth, to such points either within said county, on its line of boundary, or in the counties of Rock, Racine, and Kenosha, as may be deemed advisable by said corporation.

Route.

Capital stock—how divided.

SEC. 3. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each, and five dollars on each share shall be paid at the time of subscribing.

Who to open books, time—where, &c.

SEC. 4. The above named persons, or a majority of them, are authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription, which books shall be opened within ten years from the passage of said act, at such place or places as they may deem expedient, by giving thirty days' notice in some newspaper printed in said county, or by posting three notices in three conspicuous places in said county of Walworth, of the time and places or of the times and places of opening said books; the said books to be kept open sixty days.

Who to give notice of election of Directors.

SEC. 5. So soon as said stock, or twenty thousand dollars thereof shall have been subscribed, the above named persons, or the same number thereof, as shall have given the notice above required, shall give like notice of the meeting of the stockholders to choose directors at some time at least thirty days there-

after, and at some place within the said county of Walworth; and if at such time and place the holders of one half or more of said stock subscribed shall attend, either in person or by some lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors, each share of capital stock entitling the owner to one vote; and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred, or any three of them if no more be present, shall be inspectors of such election, and shall certify in writing, signed by them or a majority of them, what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company; and hereafter a new election of directors shall be made annually, at such time and places as the stockholders at their first meeting shall appoint; and if the stockholders shall fail to appoint, at their first meeting, the day of such election, then it shall be holden in the succeeding year, on the same day of the same month on which said first election was holden, unless the same be on the first day of the week, in which case it shall be holden on the next day succeeding; and if no election be made on the day appointed, said company shall not be dissolved, nor shall the office of the legal directors expire until their successors are elected, and such election may be made at any time appointed by the by-laws of said company; the directors shall elect one of their own number President, and shall appoint a Secretary, Treasurer, such engineers and other officers as they may find necessary, shall fix their compensation, and may require adequate security for the performance of their respective trusts.

Stock to vote.

Inspectors to determine result.

Annual Elections—when held.

Directors may elect and appoint certain officers

Payment of subscriptions—how made.

Provide.

Notice to be given.

SEC. 6. The directors may receive payment to the subscriptions to the capital stock, at such time and in such proportions, not exceeding twenty-five per cent. at any one instalment, in such manner and under such conditions as they shall deem fit, under the penalty of forfeiture of all person's [previous] payments thereon or otherwise: Provided, they shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

General powers  
of Directors.

SEC. 7. The directors of said company shall have power to make, from time to time, all needful rules, regulations, and by-laws touching the business of said company, and to determine the number of tracks upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same for such transportations; and the said company may erect and maintain toll houses, and such buildings and fixtures as the accommodation of those using said road may require.

Occupation of  
Lands—when  
lawful

SEC. 8. The said company shall have the right to enter upon any lands, to survey and lay down said road, not exceeding one hundred feet in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, as to the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons or married women, the guardian or guardians of such minor or minors, and insane persons, and the husband of such married woman, may select for themselves a disinterested person, as an arbitrator, and the company shall select an arbitrator, and the two thus selected shall take to themselves a third person, who shall be sworn and paid by said company, as arbitrators between the parties, and render copies of their award to each of the parties in writing, from which award either party may appeal to the court of proper jurisdiction, in the county in which such lands or materials may have been situated, and in all cases in which compensation shall in any manner be claimed for lands where there has been no improvements made, it shall be the duty of the arbitrators and court to award fair compensation for such lands and materials, and appeals in such cases, shall when taken, be in all respects proceeded in as appeals in other cases in said courts, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff, and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, hold, own and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed, as long as the same shall be used for the purposes of said road.

When parties  
may select arbi-  
trators

Parties may ap-  
peal to Court  
having jurisdic-  
tion.

Appeals to be  
tried as other  
issues.

Perfection of  
title by tender  
of valuation.

Company may  
use roads, &c.,  
on certain con-  
ditions.

SEC. 9. The said company may construct the railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water

course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water, or water course, to the owner or the public.

FREDERICK W. HORN,

*Speaker of the Assembly.*

DUNCAN C. REED,

*President pro tempore of the Senate.*

Approved, March 17th, 1851.

NELSON DEWEY.

An Act to vacate a certain alley in the village of Greenbush, Sheboygan County.

Chap. 391

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

SECTION 1. The alley laid out on the section line between the lands of D. B. Conger and the town plat of the village of Greenbush, Sheboygan county, is hereby declared vacated. Declared vacated.

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

FREDERICK W. HORN,

*Speaker of the Assembly.*

SAMUEL W. BEALL,

*Lt. Governor and President of the Senate.*

Approved, March 17th, 1851.

NELSON DEWEY.

An Act to establish the minimum price of the University Lands, and granting pre-emption rights thereon.

Chap. 392

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

SECTION 1. The minimum price of the University lands shall be, and the same is hereby reduced to seven dollars per acre: Provided, that none of said lands shall be sold for less than their appraised value: and provided further, that nothing in this act shall be so construed as to prevent any person occupying any of said lands from proving up his or her pre-emption, and purchasing the same in accordance with the provisions of the Revised Statutes. Price reduced. Proviso. Pre-emption guaranteed

SEC. 2. It shall be the duty of the commissioners for the sale of School and University lands, to remit to all persons who have heretofore purchased any of the University lands by pre-emption, the excess that any such person may have paid, or contracted to pay, over and above the appraised value of such lands, and the amount of such excess shall be paid to such Commissioners to remit excess paid by former purchasers.

## 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. Hantz, 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 *Belaft*, 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.]