

it shall hereafter be known by that name in law and otherwise.

J. McM. SHAFER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 9, 1852.

LEONARD J. FARWELL.

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Chap 260 An act to authorize the Milwaukee and Lisbon Plank Road Company to borrow money.

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

May borrow money.

Proviso.

SECTION 1. The Milwaukee and Lisbon Plank Road Company is hereby authorized to borrow money to be used in the construction and equipment of said road and its branches, and to make, execute, and deliver in the corporate name of said company, all necessary mortgages on the road, and proper bonds, certificates, notes, and other writings, to secure the payment thereof: *Provided, That* the aggregate of such security shall not exceed at any one time, one-half of the whole amount actually expended by said company in the construction of said road and its branches.

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

J. McM. SHAFER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 9, 1852.

LEONARD J. FARWELL.

[*Published May 6, 1852.*]

Chap 261 An Act to incorporate the Rosendale and Little River Plank Road Company.

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

Commissioners.

SECTION 1. That Eli W. Daniels, George Hawley, Allyn Boardman, Edgar Sears, Roderick D. Hathaway, Samuel Boardman, G. H. B. Vincent, David H. Robinson, Joseph Schribner, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Ros-

endale and Little River Plank Road Company, hereby incorporated, 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 taking such subscriptions, by publishing the same in one or more of the nearest newspapers.

SEC. 2. It shall and may be lawful for said company, ^{May enter upon lands.} their officers, engineers, or agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank 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 not exceeding four rods in width, along the line of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such cases as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

SEC. 3. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity ^{How damages settled.} of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed 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 the justice 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 or the owner or owners of said 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, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such the said justice of the peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to review the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the said jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter, transmit the same to the clerk of the circuit 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, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or 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 under age or *non compos mentis*. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof.

Proviso.

SEC. 4. The capital stock of said company shall not exceed one hundred thousand dollars to be divided into shares of twenty dollars each; and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent.

paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created and declared a body corporate and politic by the name and style of the Rosendale and Little River Plank Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and may do all things which are authorized by law for the interest and well being of said company.

SEC. 5. The said commissioners or a majority of them, after the said one hundred shares shall have been subscribed as aforesaid, shall give a least twenty days' notice in the newspapers heretofore mentioned of the time and place of a meeting of the stockholders, for the purpose of electing seven directors, and annually thereafter the said stockholders shall meet on the first Monday in January, for the purpose of electing directors as aforesaid upon a like previous notice to be given by a majority of the directors for the time being in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the power of directors: *Provided further*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act and this charter shall not be avoided by reason of irregularity, or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

SEC. 6. The affairs of said company shall be managed by a board of seven directors who shall be stockholders and be chosen annually by ballot by the stockholders of said company, the votes to be given in person or by proxy duly authorized, which directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders, and regulations as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote, and in all cases of election for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

SEC. 7. Five directors shall constitute a quorum for the

Quarter.

transaction of business, who, in the absence of the president may appoint a president *pro tem*. They, the said directors, shall appoint a secretary and treasurer, and such engineers and other officers as they may find necessary; 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, may declare forfeited to the use of the company the share or shares of every person failing to pay any installment at a reasonable period not less than thirty days after the time appointed for the payment thereof.

To issue certificates.

SEC. 8. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon, which stock shall be transferable under such regulations as may be provided by the by-laws of said company. The commissioners shall also have power to determine the route for the aforesaid plank road, to be commenced at some eligible point in the village of Rosendale, and to pass through the villages of Ripon and Sacramento along the public highway connecting those points, thence by the nearest and best route to Little River Mills, in Wau-pacca county.

Power to construct road.

SEC. 9. The said company shall have power to construct a single or double track plank road upon the aforesaid route. The track shall be constructed of plank, stone, gravel or charcoal, in whole or in part, so that the same shall constitute a firm and smooth surface for the passage of wagons and carriages. The directors shall exercise all powers conferred on them by law; shall audit and pay all accounts against said company; fix the compensation and salary of officers; they may appoint and meet at such times and places as they may prescribe in the by-laws to be made by them; they may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends which may accrue on the shares of said stock to the stockholders of said company on the first Monday of July and January in each year.

Rates of toll.

SEC. 10. A majority of the directors may determine the point at which this road shall be commenced, and the part to be first constructed. They may erect toll gates and exact toll from persons traveling their road, whenever three miles are finished, or whenever the whole road is completed, not exceeding two cents a mile for every vehicle drawn by two animals, and if drawn by more than two animals,

one cent a mile for every additional animal; for every vehicle, drawn by one animal, one cent a mile; and for every horse and rider or led animal, one cent a mile; for every score of sheep or swine, two cents a mile; and for every score of neat cattle, six cents a mile.

SEC. 11. If said corporation shall not within three years How charter forfeited. from the passage of this act commence the construction of said plank road, and expend one thousand dollars or more thereon, and shall not within ten years complete the road, then the rights, privileges and powers of the said corporation under this act shall be null and void.

J. McM. SHAFTER.

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved April 9, 1852.

LEONARD J. FARWELL.

[*Published, April 28, 1852.*]

An Act to amend chapter thirty of the Revised Statutes.

Chap 262

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

SECTION 1. Chapter thirty, of the revised statutes, is hereby amended so as to make the several provisions of Act amended. said chapter applicable to all of the territory of St. Croix county.

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

J. McM. SHAFTER,

Speaker of the Assembly.

E. B. DEAN, JR.,

President pro tem. of the Senate.

Approved April 9, 1852.

LEONARD J. FARWELL.

[*Published May 6, 1852.*]

An Act directing in what district personal property shall be taxed for school purposes.

Chap 263

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

SECTION 1. All the personal property assessed for taxation in any one town or city, in the name of, or belonging to a person residing in such town or city, and which said How property taxed. town (township) or city, shall be divided into two or more school districts, shall, for school purposes, be liable to tax-