

Chap 365 An Act to incorporate the Portage City, Stevens Point and Wausau Rail Road Company.

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

SECTION 1. William Schofield, George J. Goodhue, Walter D. MacIndoe, George W. Cate, John Phillips, James S. Young, John B. Dubay, Joseph D. Phelps, Abram Brawley, James S. Alban, Joseph Wood, Henry Clinton, and Hugh MacFarland, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns, are hereby created a body corporate by the name of the Portage City, Stevens Point, and Wausau Rail Road 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 rail road, and the same to sell, grant, rent, or in any manner 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 use a common seal, the same to alter, break, or renew at their pleasure; and if either of the persons named in this section shall die, refuse, or neglect to execute the powers and discharge the duties hereby 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.

Created a body corporate.

May make survey.

SEC. 2. The said corporation are hereby empowered to cause such examination or survey to be made as shall be necessary to ascertain the most advantageous route whereon to construct a rail road, and shall cause an estimate to be made of the probable cost thereof for each mile separately, and the said corporation shall be, and they are hereby invested with the right to construct a rail road with one or more railways or tracks, from some convenient point in the village of Portage City, in the county of Columbia, via Grand Rapids, Plover, and Stevens Point, in Portage county, to Wausau, in Marathon county.

Capital stock.

SEC. 3. The capital stock of said corporation shall be one million dollars, and five dollars on each share shall be paid at the time of subscribing.

May open books.

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 subscriptions, which books shall be

opened within two years from the passage of this act, at such place or places as they may deem expedient, by giving thirty days' notice in some newspaper printed at Portage City or at Madison, Wisconsin, and in such other place or places as may be thought advisable, of the time and place or times and places of opening said books, the said books to be kept open thirty days or until one hundred thousand dollars of said stock is subscribed.

SEC. 5. So soon as said stock or one hundred 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 for the meeting of the stockholders to choose directors, at some time at least thirty days thereafter, and at some place within the county of Portage, and if at such time and place the holders of one-half or more of said stock subscribed, shall attend in person or by 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 of 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 thereafter a new election of directors shall be made annually at such time and place as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint 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 shall be on the first day of the week, in which case it shall be holden on the day next succeeding; and if no election be had on the day appointed, said company shall not be dissolved, but such election may be had at any time appointed by the by-laws of said company. The said directors shall elect one of their number president, and shall appoint a secretary, treasurer, such engineers and other officers as they may find necessary, shall

To call meeting.

fix their compensation, and may require adequate security for the performance of their respective trusts.

Payment of sub-
scriptions

Proviso.

SEC. 6. The directors may receive payment of subscriptions to the capital stock at such time, in such proportion, not exceeding twenty five per cent. at any one installment, under such conditions as they shall deem fit under the penalty of forfeiture of all previous payments thereon, or otherwise: *Provided*, They shall never require payment to be made at any place out of the counties through which said road is to 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 such corporation for the stock of said company.

Powers of direc-
tors.

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 and railways 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, and to direct the mode and condition of transferring the stock of said company, and the said company may erect and maintain toll houses and such other buildings and fixtures as the accommodation of those using said road may require.

May enter upon
lands.

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 minors and insane persons, and the husbands of such married women, may select an arbitrator for themselves, and the company may select an arbitrator and the two thus selected shall take to themselves a third, 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 circuit court for the county in which such lands or materials shall be situated, and in all cases in which compensation shall in any manner be claimed for lands, where there has been no improvement made, it shall be the duty of the arbitrators and court to award a fair compensation for said

lands and materials, and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases in said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same in 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, own, hold, and possess said lands and materials, as fully and absolutely as if the same had been granted and conveyed to said company by deed: *Provided*, That none of said arbitrators so chosen shall be of kin to any of the parties, or be in any wise interested on either side.

SEC. 9. The said company may construct the said rail road 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 to the public.

SEC. 10. The said rail road company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of interest in this state to the contrary notwithstanding, and the powers of said corporation for the purposes aforesaid and for all purposes necessary to carrying out the objects of said company, namely, the construction of a rail road from Portage City via Stevens Point to Wausau, in Marathon county, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity, upon said corporation and upon all other parties to such contracts.

SEC. 11. If any person or persons shall willfully obstruct, or in any way spoil, injure, or destroy said road, or anything belong, or incident thereto, or any material to be used in the construction thereof, or any building, fixtures, or carriages, erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained

thereby, to be recovered in an action of debt in any court having jurisdiction of the amount, and shall also be subject to indictment, and be punished by fine or imprisonment, or both, in the discretion of the court, and be proceeded against in the same manner as provided for by law in the punishment of offences against other real or personal property.

To construct
fence.

SEC. 12. Whenever it shall be necessary in the location or construction of said road to pass through enclosed grounds, it shall be the duty of the said company before the same shall be used as a rail road, to fence the said road on both sides thereof, as far as the same shall be enclosed ground, and at all times to keep the enclosure entire.

Public use.

SEC. 13. This act is hereby declared to be a public act, and shall be favorably construed in all of the courts of this state, and printed copies of the same shall be deemed sufficient evidence of the facts herein contained.

J. McM. SHAFER,

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved, April 16, 1852.

LEONARD J. FARWELL.

[Published June 17, 1852.]

Chap 366 An Act to incorporate the Plymouth and Saukville Plank and Turnpike Road Company.

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

Commissioners

SECTION 1. That William R. Ellis, F. W. Horn, A. Lamberson, Oran Rogers, E. M. McIntosh, John W. Taylor, William D. Lisse, LaFayette Eastman, William Payne, J. — Feischbien, George C. Daniels, and William Hudson, 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 Plymouth and Saukville Plank and Turnpike Road Company, are 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 newspapers printed in the counties of Sheboygan or Washington.

Capital stock.

SEC. 2. The capital stock of said company shall be seventy-five thousand dollars, and shall be divided into shares