

their doings and expenditures to the county board of supervisors, at the annual session thereof for 1861.

Repeal.

SECTION 6. All acts or parts of acts, so far as the same contravene this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER 175.

[Published April 12, 1861.]

AN ACT to amend Chapter 79 of the Revised Statutes, entitled "Of Railroads."

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

How railroads may acquire right of way in certain cases.

SECTION 1. In any case where a railroad or railway company shall not have acquired a title to any land upon which they have constructed their track or tracks, or when the title to any such lands has been, or shall hereafter be rendered invalid by reason of any mortgage, judgment or other lien affecting the same, then such company, in either case, is authorized to obtain and acquire title to the said land by purchase of the persons, bodies corporate or politic, owning the same or having an interest therein, if such purchase can be effected by agreement between the owners thereof and such company; but if not, such company shall have power to cause compensation to be made therefor in the manner provided by law or the charter of said company, for the appropriation of lands for right of way, and in the same manner as if the said road had not been constructed upon said lands.

Appointment of commissioners to award damages.

SECTION 2. Any person owning or interested in any land upon which the track of any railroad shall have been constructed, or which shall have been appropriated by any railroad or railway company without compensation having first been made therefor, shall have the right to have commissioners appointed at the expense of said company, or to call out the commissioners authorized by the charter of such company in the

same manner that such company could have said commissioners appointed or call them out; and the award of such commissioners shall have the same effect as if the appraisal had been made at the request or upon notice of the said company, with the right to either party to appeal from the said award in the time and manner prescribed by the charter of such company. ^{Appeal.} Nothing herein contained, however, shall be construed to impair or affect the right of any individual to recover the costs and expenses of any legal proceedings commenced prior to the passage of this act; but no injunction shall be granted by any court to prevent the use or occupancy of such land by any railroad or railway company, until the amount of damages to which any owner or person interested shall have first been liquidated, or final judgment rendered therefor. ^{Injunction.}

SECTION 3. All acts and parts of acts in so far as they conflict with the provisions of this act, are hereby repealed. ^{Repeal.}

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1861.

CHAPTER 176.

[Published April 12, 1861.]

AN ACT to incorporate Fire Companies.

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

SECTION 1. Whenever any fire engine, hook and ladder, sack or other fire company, shall have been duly organized and shall have elected such officers as they are by law required to elect, and such organization and election of officers has been confirmed or sanctioned by the common council of any city, or the board of trustees of any village, in which such company may be organized, it shall be competent for any such company to assemble at their usual place of meeting, and according to the rules of their company to elect any number of discreet persons, members of their ^{Trustees.}