

An Act to provide for the election of Supervisors in the city of Kenosha.

Chap. 240

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

SECTION 1. At the annual election to be held in the city of Kenosha on the first Tuesday of April next, and at each annual election thereafter, there shall be elected one supervisor in the first ward of said city, and one supervisor from the second and third wards of said city, who are hereby empowered and authorised to meet with and act in the county board of supervisors of the county of Kenosha, in the same manner and with the same rights and powers as is or may by law be prescribed and exercised by other members of said board.

Supervisors—
when elected.

Their powers

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

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved March 11th, 1851.

NELSON DEWEY.

An Act to incorporate the Fond du Lac County Plank road Company.

Chap. 241

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

SECTION 1. That Mason C. Darling, William H. Walker, George McWilliams, T. D. Gillett, John Sewell, — Brownson, D. R. Carran, John Root, E. W. Davis, William Starr, Addison Mapis, Franklin Lathrop, Charles F. Hammond, 2d, Joseph Scribner, George D. Curtis, Josiah Drummond, J. W. Carlhurt, J. Look, Peter V. Saug, C. E. Stawund, L. P. Hill, C. J. Goss and B. F. Moon 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 Fond du Lac county 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 receiving such subscriptions by publishing the same in one or more newspapers printed in Fond du Lac county.

Commissioners
appointed to re-
ceive subscrip-
tions.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of ten dollars each, and as soon as five hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereon

Incorporation.

actually paid in, or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter 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 "Fond du Lac County Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal or mixed, in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Corporate powers.

Election of Directors—how made.

SEC. 3. The said Commissioners, or a majority of them, after said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more of the newspapers of the said county of Fond du Lac, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors, then in being, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: Provided, that until the first election of directors, the said Commissioners above named, upon the subscription of five hundred shares of stock, and the organizing of said Commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Proviso.

Vacancies—how filled.

Stock to vote.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by proxies duly authorized, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote; and the majority of the votes cast shall govern, except in elections where the five persons having the greatest number of votes cast for directors, shall be declared duly elected.

SEC. 5. A majority of said directors shall form a quorum

for the transaction of all business, and shall organise by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers or agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

General powers
of Directors.

SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such instalments as may be called for, and also to adopt, in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for on account of the acts of said company or its officers.

General powers
of Directors.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name, and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interest of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they, shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of the issuing of such certificate or certificates, which certificate or certificates shall be signed by the President and countersigned by the Secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Directors may
issue stock cer-
tificates.

SEC. 8. The said company shall have power to locate and construct a single or double track road from the village of Fond du Lac in Fond du Lac county, to the town of Rusendale and thence to the west line of the county; also, from the village of Fond du Lac aforesaid to the town of Waupau; by the most eligible and practicable routes, as the directors shall decide. The said company shall also have power to extend the said roads, and to build branches therefrom whenever they may

Location and
route of roads.

Capital Stock—
how increased.

Optional inde-
pendence of
Roads.

Occupation of
Lands—when
lawful.

Proviso.

When Justice
may issue war-
rant summon-
ing Jury.

deem it expedient, and to increase the capital stock to three hundred thousand [dollars.] The said company shall have power to grant stock in, construct and use either of the said roads independent of the other the same as though the roads were incorporated by distinct acts of incorporation. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

SEC. 9. 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 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 route, 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 places 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. 10. 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 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 said 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 the 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, taking into consideration the advantages the same will be to the owner or owners, 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 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 district 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 cost 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; and 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 and 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 the 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.

Jury to act under oath.

Justice to report verdict to Clerk of Court.

Provide.

Notice to owners—how serve

Provide.

Discretionary power.

SEC. 11. The directors shall have power in their discretion to construct said plank road along and upon any road, or highway, now or hereafter to be laid, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: Provided, That such author- Provide.

ity shall first to proceed from the supervisors of the town in which such public highway may be situated. And they may erect toll-gates, and exact toll from persons traveling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional [animal] for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for every score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile: Provided, That persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from tolls. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate an animal or carriage, subject to toll, until the toll thereon is paid.

Rates of Toll.

Provide.

Directors may receive securities in payment for Stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal (property) to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company interest at the rate of twelve per centum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, in the same manner as if the same were made payable to individuals, or to their order or assigns.

Interest transferable.

Penalty for wilful damage.

SEC. 13. If any person shall wilfully, or knowingly, obstruct, break, injure, or destroy the said road, to be constructed by said company, or any part thereof, or any work, buildings, or fixtures attached 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, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall have been committed; and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

SEC. 14. Any person who shall wilfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of the said company, and also for all damages done to the profits of said company in an action of trespass.

Penalty
avoiding Toll

SEC. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Capital Stock
how increase

SEC. 16. If said company shall not, within three years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not, within ten years from the passage of this act, construct, finish, and put in operation a single or double track plank road, the rights, privileges and powers of the said corporation under this act shall be null and void.

Conditions of
Charter.

SEC. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Rule of E
vidence.

SEC. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved March 12th, 1851.

NELSON DEWEY.

An Act to incorporate the Milwaukee and Lisbon Plank Road or Turnpike Company

Chap. 24

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

SECTION 1. The stockholders of the Milwaukee and Lisbon Plank Road Company having been duly organized, and having complied with all of the provisions of chapter fifty of the Revised Statutes requisite for a complete organisation, under the

Name of corporation.

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 1861.

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 29th*, 1861 read "Approved February 4th, 1861."
 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 *Koch* 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 *Zeletoe*: 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 *Donomon*, read "Douzman;" and for *Olset*, read "Vliet;" in line three
 Page 292, Sec 6, for *Olies* read "Vliet."
 Page 299, Chap 303, line four, for *Warecoma* 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 *Heepin* 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 *number*, read "number"
 Page 361, Sec. 13, 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. 334, for *suit* read "suit;" and line ten, for *ret razit* read "ret razit."
 Page 393, Chap 363, 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.]