

Directors to file
declaration, &c

pany) the declaration required in section 4, of the "act to provide for the incorporation of Insurance Companies," and comply with all the other requirements of said act, *except* as to opening books for the taking of stock, on receiving propositions for insurance: Provided, Such change shall in no wise affect the rights of persons insured in said company at the time of such change.

Proviso.

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

Chap. 396

An Act to legalise the acts of Jost L. Petrie, Superintendent of Schools of the town of Concord.

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

Declared legal.

SECTION 1. That the acts of Jost D. Petrie, superintendent of schools of the town of Concord, in the county of Jefferson, as such superintendent are hereby declared to be legal and valid, notwithstanding his omission to file the official bond with the town clerk, within ten days, as is required by law.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved March 17, 1851.
NELSON DEWEY.

Chap. 397

An Act to incorporate the Port Washington and Fond du Lac Plank Road Company

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

Commissioners
appointed to re-
ceive subscrip-
tions to stock.

SECTION 1. That Isaac C. Loomis, Barnum Blake, Orman Coe, Simeon P. Powers, S. Austin White, Willet A. Lawrence, Solon Johnson, George McWilliams, Benj. F. Moon, Keys A. Darling, Edward Beeson, ——— Bronson, John Sewall and William R. Longstreet, 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 Port Washington and Fond du Lac Plank Road Company, 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 subscriptions, by publishing the same in a newspaper in the county of Washington, and in the county of Fond du Lac.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, by the name and style of the Port Washington and Fond du Lac Plank Road Company, for the purpose of constructing a plank or charcoal road, from the town of Port Washington, in the county of Washington, to the town of Fond du Lac, in the county of Fond du Lac, which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey, or lease, to contract or be contracted with in all matters pertaining to the objects of said road, to have and to use a common seal, and pass all by-laws necessary for the government of said company.

Name of corporation.

Corporate powers.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company. And the officers of said company shall be managed by a board of directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorised, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of the stock shall be entitled to one vote, and the majority of the votes cast shall govern, excepting in elections when the nine persons having the greatest number of votes cast for directors, shall be declared duly elected.

Capital stock—how divided.

Stock to vote.

SEC. 4. Whenever twenty thousand dollars of the capital stock of said company shall have been subscribed, and ten per cent. paid thereon to said commissioners for the use of said company, the said commissioners, or a majority of them, shall give at least twenty days' notice in one or more newspapers printed in the counties of Washington and Fond du Lac, of the time and place of the meeting of the stockholders, for the purpose of electing nine directors; who shall hold their offices for one year, and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in January of each year: Provided, that whenever there shall be a vacancy in said board of directors, the said directors then holding, or a majority of them, shall have power to fill the same: And Provided further, that in case of a failure to hold said annual meeting, and to elect directors as aforesaid, this charter shall not be forfeited, but a special

When notice to be given to stockholders of an election of Directors.

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Special meetings for election of Directors may be called.

meeting may at any time thereafter be called for the purpose of electing directors, by giving like notice as is required to be given for the first election under this charter; and the directors so chosen at such special meeting, shall proceed in the discharge of their duties in the same manner as if they had been elected at a regular annual meeting, and shall hold their offices until the next annual meeting, and until their successors shall be elected.

Directors to choose and appoint certain officers

SEC. 5. The board of directors shall organise by choosing one of their number President, and by appointing a Secretary and Treasurer, and when so organised shall have the right to locate and construct a single or double track plank or charcoal road, between the points mentioned in the second section of this act or any part of the distance; the track of the said road shall be constructed of timber and plank, charcoal, stone or gravel, or partly of each, so as to have a hard, smooth and even surface; the particular manner of building said road to be determined by the board of directors.

Construction of Road

Location to be determined by Directors.

SEC. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the supervisors of the town in which said road may be for the right to use such highway for the purposes of said road, and the supervisors of such towns are hereby authorised to grant to said company the right to use any highway in their town as aforesaid, on such terms as they may agree upon.

Directors may contract for use of highways.

Appropriation of lands—when lawful.

SEC. 7. 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 said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purposes of trade and manufactures, or any yard or enclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be determined by the said company it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any lands adjoining said road, gravel, stone or earth, for the purpose of constructing or repairing said road; subject, however, to the payment of compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereafter directed and provided in case of lands.

Compensation to be made for lands taken.

SEC. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road,

any land upon which said road may be located, and the owner or owners thereof shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury that may be done to such lands by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside within the counties where the land lies. The expense incurred by said appraisers shall be defrayed by the company. But if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointments within twenty days after the requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the State, then it shall be lawful for the Judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charge of said company, to appoint three disinterested persons of said county, to view and examine said land, and estimate the injury and damage, if any, in their judgment will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be (mutual) [entered] thereon. The said viewers shall be entitled to two dollars per day each for their services, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of such land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: Provided, that in case the owner of such land be under any legal disability, the cost of such assessment shall be paid by said company, and it shall be the duty of the appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road: Provided further, that either party may appeal to said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: And Provided further, also, that upon payment or tender of payment of the sum specified in the report of said viewers or appraisers to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

When parties may appoint appraisers to estimate damages.

Expense to be paid by Company.

When Judge of Circuit Court may appoint appraisers.

Appraisers to report to Court under oath, &c.

When Company to pay viewers.

When owners to pay costs.

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Proviso.

Perfection of title upon tender of payment.

Directors may
appoint certain
officers.

SEC. 9. The directors of said company may appoint a Secretary, Treasurer, and such other officers as they may find necessary, and shall have full power to (divide,) [decide] the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company any share or shares held by any person failing to pay any instalment so required to be paid, after advertisement of the same, for a period not less than sixty days in one or more newspapers, as hereinbefore provided. Provided, That no instalment called in at any one time shall exceed five dollars per share, and that no instalment shall be called by the directors without giving at least thirty days notice thereof in the newspapers as aforesaid.

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Notice to be given
requiring
payment on in-
stalments.

Certificates of
Stock to be is-
sued. The same
transferable.

SEC. 10. The directors elected as aforesaid shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for, or hold in said company, signed by the President and countersigned by the Secretary, and sealed with the common seal; subject however, to all the payments due, and to become due thereon, which stock may be transferable in person, or by attorney, executors, administrators, guardian, or trustees, under such regulations as may be provided in the by-laws of the company.

Directors to
make an annual
statement.

SEC. 11. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceeding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors or by any number of stockholders holding one fourth in amount in the capital stock of the company on like notice as is required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock be then and there represented.

Special Meet-
ings—How call-
ed.

Rates of toll.

SEC. 12. On the completion of said road, or any portion of the track not less than five consecutive miles, the company may erect one or more toll gates upon their roads, but not at a less distance than five miles apart, and may demand and receive such tolls as from time to time they think reasonable not exceeding two cents per mile for any vehicle drawn by two animals, one cent per mile for every additional animal; for every vehicle drawn by one animal, one cent per mile; for every horse and rider or led horse, one cent per mile; for every twenty sheep or swine, and for every twenty neat cattle, one cent per mile: Provided, It shall be the duty of said company during the month of January in each year, after the completion of such portion of the road as will authorise them to erect one or more toll gates, to make a report to the Legislature, setting

Proviso.

forth particularly, the amount of capital invested, the length of the road in operation, the expenses paid, and tolls collected the preceding year, and generally such information in regard to the affairs of the company as the Legislature may require, which report shall be verified by oath or affirmation of the President or Secretary and one of the directors of said company.

Company to make an annual statement to Legislature.

SEC. 13. If any person shall wilfully and knowingly obstruct, or break, injure or destroy the road so to be constructed by said company, or any part thereof, or any work 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, in any court having competent jurisdiction, in the county wherein the offence shall have been committed.

Penalty for wilful obstruction.

SEC. 14. The property of every individual which may be invested in said corporation, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: Provided, That all debts due said company from such individual, shall be first paid.

Property subject to execution

Provide.

SEC. 15. The debts and liabilities of said company shall not exceed in amount at any one time, fifty per cent. of its capital actually paid in; and if debts and liabilities shall at any time be increased to a greater amount than by this section provided for, the directors of said company shall be jointly and severally liable for such excess, in addition to their other liabilities in law, as provided for in this act.

When Directors individually liable.

SEC. 16. 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 increased.

SEC. 17. If said company shall not within five years from the passage of this act, commence the construction of said road, and shall not within ten years from the passage of this act, construct, finish and put in operation a single or double track of said road, from Port Washington to Fond du Lac aforesaid, then the rights, privileges and powers of the said corporation under this act, shall be null and void.

Condition of Charter.

SEC. 18. Said company shall be liable for all injuries or damage, which any person may sustain in his or her person or property, by reason of said road being out of repair, or of any defects in said road.

When company liable for damages.

SEC. 19. (When) this act shall be favorably construed to ef-

Rule of Construction and Evidence.

Who may amend, and when to take effect.

fect 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.

SEC. 20. This act may be altered or amended by any future legislature of the State of Wisconsin, and shall be in force and take effect from and after its publication.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 398

An Act to appropriate to John T. Wilson the sum therein named.

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

Sum appropriated.

SECTION 1. There is hereby appropriated to John T. Wilson, out of any money in the treasury not otherwise appropriated, the sum of five dollars, for fixing press to stamp books, "public property," in March, one thousand eight hundred and fifty.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 17th, 1851.
NELSON DEWEY.

Chap. 399

An Act to appropriate to J L Marsh the sum of money therein named.

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

Sum appropriated.

SECTION 1. That the sum of ten dollars is hereby appropriated to J. L. Marsh, to be paid out of any money in the treasury not otherwise appropriated, in full for balance due him on appropriations, in the years 1847 and 1848, and never drawn from the treasury by him.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved March 17th, 1851.
NELSON DEWEY.

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 54, 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.]