

SEC. 4. This act shall take effect on the first Monday of February, eighteen hundred and fifty-one, and shall continue in force till the first Monday of May next, and no longer.

FREDERICK W. HORN,

Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved, February 8th, 1851.

NELSON DEWEY.

An Act to regulate the distribution of the income of the school fund.

Chap. 53.

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

SECTION 1. The words "income of the State fund for the support of common schools," used in section one, chapter twenty of the Revised Statutes, shall be so construed as to mean such portion of the income as shall have been actually paid in to the State treasury up to the first day of February in each year, and such portion shall be the "income" to be distributed under the provisions of said chapter twenty. *Explanation.*

SEC. 2. Such portion of the income of the school fund as shall be due on or before the last day of January in any year, but which, owing to admissable causes, shall not have been paid into the State treasury until after said date, shall be added to the income for the succeeding year and apportioned with it in the next apportionment of the school moneys by the State Superintendent.

FREDERICK W. HORN,

Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved February 8th, 1851.

NELSON DEWEY.

[An Act to incorporate the Potosi and Dodgeville Rail Road Company.

Chap. 54.

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

SECTION 1. That Robert Templeton, Donald A. Mackenzie, Simon E. Lewis, Celestin Kætenbach, Julius Augustine, Henry L. Massey, Samuel Vance and William T. Ennor, of the county of Grant, and Elisha Smith Charles G. Rodolf, George Messersmith, Thomas Stephens. John H. Todd, M. M. Cothren, Cyrus Woodman and John B. Terry, of the county of Iowa, be,

Commissioners
to receive sub-
scriptions.

and they are hereby appointed Commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Potosi and Dodgeville Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may 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 weekly in a public newspaper printed in the county of Iowa.

Corporate Pow-
ers.

SEC. 2. The capital stock of said Company shall be four hundred thousand dollars in shares of one hundred dollars each, and as soon as one thousand shares of stock shall be subscribed, and five dollars on each share actually paid the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors or assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the "Potosi and Dodgeville Rail Road Company," with perpetual succession, and by their name shall have all the privileges, franchises and immunities, incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, as far as the same may be necessary for the purposes hereinafter mentioned and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation.

Commissioners
to give notice of
Election.

SEC. 3. The said Commissioners, or a majority of them, after the said one thousand shares of stock shall have been subscribed, as aforesaid, shall give thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing nine directors, and annually thereafter the said stockholders shall meet on the second Wednesday in January for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: 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 powers of directors: And provided, 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 proceeding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election.

Proviso.

SEC. 4. The affairs of the said corporation shall be managed

common seal, subject however to all payments due or to grow due thereon which stock shall be transferred in person or by Attorney, Executors, Administrators, Guardian or Trustees, under such regulation as may be provided for in the by-laws of the Company.

Directors to
make a state-
ment.

SEC. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the Company for such year; and special meetings of the stockholders may be called to order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Specified Pow-
ers.

SEC. 9. The said Company shall have power to locate and construct a single or double tract railroad from such eligible point in the town of Potosi, in Grant county, to such eligible point in the town of Dodgeville, in Iowa county, as shall be determined on by a vote of the stockholders holding a majority of the stock of said Company, at a special meeting called for the purpose of fixing the location or termination of said road, and shall have power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they shall also have power to make, construct and erect all such side tracks, turn outs, and connecting tracks, and also all such warehouses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the said Company to the use of the said railroad, and to connect the same with other railroads and branch railroads in the State of Wisconsin, at any points within the limits of the counties of Grant and Iowa.

SEC. 10. If said corporation shall not within three years from the passage of this act commence the construction of said railroad, then the rights, privileges and power of said corporation under this act shall be null and void.

Route, how lo-
cated.

SEC. 11. It shall and may be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the said railroad, doing thereto no unnecessary damage, and when the 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 five rods in width, along the line of said

by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said Company, the votes to be delivered in person or by proxy duly authorised, which directors shall appoint one of their own number to be President, and shall respectively serve for one year, or until other directors be elected, they shall have power to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the officers [affairs] of said Company.

President to be appointed.

SEC. 5. None but stockholders shall be elected directors, and at every election, and in all other cases upon which stockholders shall be called upon to vote each share of stock shall be entitled to one vote, and in all cases of elections for directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

SEC. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who in the absence of the President shall appoint a President, pro tem; the said directors shall appoint Secretary, Treasurer and such Engineers and other officers as they may find necessary; they shall have full powers to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts; they shall 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 the share or shares of every person or persons failing to pay any instalment so required, at a reasonable period, not less than thirty days from the time appointed for the payment thereof; they shall have power to make such covenants, contracts and agreements, with any person, co-partnership, or body politic, whatsoever, as the execution and management of the works and the convenience and interest of the Company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the Company: Provided, That no instalment called in at any one time shall exceed twenty dollars per share, and that no instalment shall be called by the directors without at least sixty days notice thereof in the newspapers hereinbefore mentioned.

Powers of Directors.

Provido.

SEC. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President, countersigned by the Secretary, and sealed with the

Certificates of Stock.

route, subject, however, to the payment of such compensation as the Company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively.

SEC. 12. When the said corporation cannot agree with the owner or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the judge of the circuit court of the county in which such lands are situated, on application of such corporation, to appoint three disinterested persons residing in such county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the lands so taken or required by the said Company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said railroad, or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, to the said owner or owners, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace, or other person competent to administer oaths, faithfully, and according to the best of his abilities, to examine the land so taken or required by said Company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by said Company, over and above all benefits and advantages which such owner or owners shall derive from the construction of such railroad, whereupon such Commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment, to the Clerk of the Circuit Court of the county in which they reside; and it shall be the duty of the said Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports, as hereinafter provided, then the said Clerk shall record the same at the expense of the Company, and judgment of the said Court shall be entered thereon, on motion of either party, at any term of said Court: Provided, Appraisers to report. When Judge to appoint appraisers. Provido. That either party may appeal to said Court within thirty days

after said report shall have been filed in the Clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said Court, and the jury empannelled to try the same shall find the land so taken or required by said Company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such railroad, and judgment of Court shall be entered accordingly: Provided also, That it shall not be lawful for said Commissioners, or said Court, to proceed to the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that said owner or owners had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their Guardian or Trustee, if any there be, or in such manner as the Court may direct: Provided also, That upon making and filing any report, as aforesaid, and payment, or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her or their legal representatives, the said Company, their agents, or the contractors for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Provido.

Owners to have notice.

Provido.

Perfection of title to Land.

SEC. 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands, or for any damages for taking and using the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said Company shall be entitled to the estate and interest in the same as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said Company by action at law, at the cost and expense of the person or persons entitled to the same.

SEC. 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same, and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of said Company to make or cause to be made a sufficient causeway, or passage way, to enable all persons travelling such public road to pass over or under such

railroad without inconvenience: Provided, That in cases where Proviso. said railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said Company to construct said railroad across or upon such road after altering and putting the same in as good condition as before, and for that purpose the said Company shall previous to occupying any part of such road, construct a new road in part or in whole as may be necessary, on ground adjacent to any such road, and in every respect complete such newly constructed road or part of a road so interfered with as it was, previous to the disturbance and occupancy thereof by said Company.

SEC. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said Company when required, to make a good and sufficient passage-way over or under said railroad, whenever the same may be necessary to enable the occupants of said lands, to pass over or under the same with wagons, carts and implements of husbandry, as occasion may require. Provided, that said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross such railroad, in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

SEC. 16. On the completion of said railroad, or any portion of the track, not less than ten miles, it shall and may be lawful for the company to demand and receive such sums of money Rates of Fare. for passage and freight of persons and property, as they shall from time to time think reasonable.

SEC. 17. If any person shall wilfully and knowingly break, injure, or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or machinery 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 offense, forfeit and pay a sum not exceeding three times the amount of damages caused by such offense, which may be recovered in the name of the said company, by action Penalty for damages. of debt, in any court having competent jurisdiction in the county wherein the offense shall be committed, and shall also be subject to indictment, and upon conviction of such offense, shall be punished by fine and imprisonment, or either, at the discretion of the Court.

SEC. 18. The property of every individual 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 shall Proviso. be first paid.

Stock may be increased.

SEC. 19. The stockholders holding a majority in value of the stock may, at any annual or special meeting, increase the capital stock of this Company to an amount not exceeding six hundred thousand dollars.

SEC. 20. 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 of Wisconsin shall be received as evidence thereof.

Rights, when forfeited.

SEC. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the State of Wisconsin may resume all and singular, the rights and privileges hereby granted to said company.

Company may extend Road.

SEC. 22. At any time within five years from and after the passage of this act, the said company are hereby authorised and empowered to extend and continue the railroad authorised to be constructed by this act from the said town of Dodgeville to such point in the town of Mineral Point, in said Iowa county, as may be most eligible, and also to extend said road northward from said town of Dodgeville to such point on the Wisconsin river in said Iowa county as the said company may determine.

When other lands may be used.

SEC. 23. It shall be lawful for said company, their officers, engineers and agents, to enter upon lands adjacent to the rail road beyond the limits of four rods, in the manner provided in the eleventh section of this act, when necessary for the purpose of erecting Depot Buildings, Station Houses and necessary fixtures for the operation for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth and gravel taken from deep cuts, and to obtain earth, gravel and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions contained in the twelfth section of this act. And when such damages shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said company, agreeable to the provisions contained in the thirteenth section of this act aforesaid.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,

Lt. Governor and President of the Senate.

Approved, February 10th, 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 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. 64, 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 "Dousman;" 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.]