

current expenses of the city; which report shall be recorded in a book to be provided for the purpose. And the said clerk shall be individually liable to the city and the several aldermen of said council, and to every other person, for any damage that they or either of them may sustain in consequence of said report being incorrect. The city council may by a vote of two-thirds of all the aldermen elected to said council, remove said clerk from office, for neglect or refusal on his part to obey the foregoing provisions, and appoint a suitable person to perform his duties.

J. McM. SHAFER,

Speaker of the Assembly.

TIMOTHY BURNS,

Ut. Governor and President of the Senate.

Approved, March 23, 1852.

LEONARD J. FARWELL.

[*Published April 3, 1852.*]

An Act to incorporate the Racine and Wilmot Plank Road Company.

Chap 135

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

Commissioners. SECTION 1. Isaac Taylor, John Dickson, Asahel W. Benham, Archibald McIntire, Charles Herrick, E. Blackman, Marshall M. Strong, Clark W. Spafford, Reuben M. Norton, Elisha Raymond, John W. Carey, Nicholas D. Fratt, and William K. May 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 Racine and Wilmot 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 twenty days' notice of the times and places of taking subscriptions by publishing the same in one paper printed in the city of Racine, and one in the county of Kenosha.

Capital stock.

SEC. 2. The capital stock of said company shall be forty-five thousand dollars, and shall be divided into shares of twenty dollars each; and as soon as five hundred shares of the capital stock shall be subscribed, and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby declared and created a body corporate and pol-

itic, by the name and style of the Racine and Wilmot Plank Road Company, with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing, and conveying estate either real, personal, or mixed, and 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 they are authorized by law to do for the interest and well being of said company.

SEC. 3. The said commissioners or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned of the time and place of meeting of the stockholders for the purpose of electing directors, who shall elect one of their number president, and annually thereafter the said stockholders shall meet on the first Monday of March, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being in such newspapers as they may think proper: *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 be required to possess all the qualifications required from the directors of the company: *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 preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

SEC. 4. The affairs of said company shall be managed by a board of nine directors who shall be stockholders and be chosen annually by ballot, by the stockholders of said company, the vote to be given in person or by proxy duly authorized; which directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, and regulations, not inconsistent with the constitution, and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company. 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.

Quorum.

Sec. 5. Five directors shall constitute a quorum for the transaction of business, who, in the absence of the president, may appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer, such engineers, and other officers as they may find necessary, and fix their compensation, and may demand adequate security for the performance of their respective trusts. They shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent. in any one installment, and to forfeit to the use of said company the share or shares of every person or persons failing to pay any installment at a reasonable period not less than thirty days after the time appointed for the payment thereof. They shall have power to regulate tolls, to make such covenants, contracts, and agreements, with any person or persons, 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. The commissioners, until the directors are chosen, and after such election the directors shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws of said company.

Powers.

May construct road.

Sec. 6. The said company shall have power to locate and construct a single or double track plank or gravel road or partly of each, commencing at such point in or near the city of Racine and county of Racine, as may be designated by the board of directors, and running thence south-westerly on the most eligible route to Wilmot, in the town of Salem, in the county of Kenosha, and they shall have power to erect all such toll houses, bridges, and other works, and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall exercise all powers conferred on them by law, shall audit and pay all accounts, give and receive all such receipts and discharges of debts as shall be deemed best for the interest of said company, fix the compensation and salary of the officers they may appoint, and meet at such

times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends or so much of the surplus profits of the company as they shall think advisable, which may accrue on the shares of the said stock to the stockholders of said company, at such times as the directors by their by-laws shall appoint, and at each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year.

SEC. 7. It shall and may be lawful for said company, their officers, agents, and engineers, to enter upon any land 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 said company, it shall be lawful for them, their agents, and officers and engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands for the purpose of said road, not exceeding in width four rods 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 shall be ascertained in the manner hereinafter directed and provided for.

May enter upon lands.

SEC. 8. Whenever it shall become necessary for the president, directors, and company of said plank road corporation, to enter in and upon and occupy for the purpose of making said plank road, any land upon which the same be located, if the owner or owners of said land shall refuse to permit such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be under oath or affirmation fairly and impartially to estimate the same, who shall reside within the county where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the plank road company, but if the parties can not 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 appointment within twenty days after the requisition for that purpose upon him made, or if such owner shall be feme covert, under age, *non compos mentis*, 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 corporation, to appoint three disinterested persons of the said county to view and

How damages settled.

examine said lands and estimate the injury or damage, if any, in their apprehension will be sustained as aforesaid, by reason of the location of said plank road, and report the same under their oaths or affirmation, to the circuit court of said county, which report being confirmed by said court judgment shall be entered thereon, and the said viewers shall be entitled for their services to two dollars per day each, 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 to 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 feme covert, under age, or *non compos mentis*, 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 advantage that may accrue to the owner of said lands from the construction of said plank road: *Provided, further*, That either party may appeal to the circuit 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 also*, That until said appraisers shall report to the circuit court, the president and directors, agents, or contractors for making and repairing the said road may take and use said land; and after said report, upon payment or tender of payment of the sum specified in the report of said viewers or appraisers, to the owners of said land, or a deposit of the same for their benefit with the clerk of the circuit court of the county where the land is situated, they may for like purpose take and continue in possession of said land, without waiting the issue of such appeal.

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Stock deemed personal property.

SEC. 9. The shares of stock of the corporation shall be deemed personal property, and every person becoming a shareholder by transfer, purchase, or otherwise of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said shares shall be liable to be taken in execution for the payment of the debts of their owners, in such manner as is or may be provided by law: *Provided*, That all debts due said company shall be first paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the supervisors of the town through which it passes shall have given their written consent, which shall be recorded in the town clerk's office, or if the said supervisors refuse to give

Proviso.

their consent, the damages to the town shall be appraised or ascertained as in the case of private property; and the amount so appraised for each highway so taken, shall be paid to the said supervisors of the town to which it belongs to be by them applied in improving the roads in such town.

SEC. 10. The directors may erect toll gates and exact toll from persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two, one cent a mile for every additional animal; for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, three cents a mile, and for every score of neat cattle four cents a mile: *Provided*, That persons going to or returning from funerals shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday.

Rates of toll.

SEC. 11. If any person shall willfully and knowingly obstruct, break, injure, or destroy the plank road so to be constructed by said company, or any part thereof, or any work, building, or fixture 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 in a civil suit for the recovery of damages by said company, by an action of debt, 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.

Penalty for damage to road.

SEC. 12. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority of amount of such 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.

May provide for increase of capital stock.

SEC. 13. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

How charter forfeited.

SEC. 14. Said company shall be liable for all damages that may be sustained by any person or persons in consequence of the omission or neglect to keep said road in good repair and condition.

Liability for injury.

SEC. 15. This act may be altered or amended by any future legislature of the state of Wisconsin.

SEC. 16. This act shall be in force and have effect from and after its passage.

J. McM. SHAFER,
Speaker of the Assembly.

TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 23, 1852.

LEONARD J. FARWELL.

[*Published March 29, 1852.*]

Chap 136

An Act to incorporate the Saukville and Grafton Plank, Gravel, and Coal Road Company.

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

Commissioners.

SECTION 1. That William Payne, J. Fischbein, John Fitzpatrick, J. Mann, William Blakely, George C. Daniels, John Louler, E. S. Turner, George P. Goulding, Jacob T. Adriance, William Schroder, William Voyernitze, Conrad Hornifer, and Alfred Lumberson, 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 Saukville and Grafton Plank 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 subscription, by publishing the same in one or more newspapers printed in the county of Washington or in some adjoining county.

Capital stock

SEC. 2. The capital stock of said company shall be twelve thousand dollars, and shall be divided into shares of ten dollars each, and as soon as four hundred shares of the capital stock shall be subscribed and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of "The Saukville and Grafton Plank, Gravel, and Coal Road Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing, and conveying estate, either real, personal, or mixed, and in their