

sume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company in relation to said road and the use of the same. How charter forfeited.

SEC. 17. The said company shall be liable for all injury which any person may sustain by reason of the said road being out of repair, or any defect in said road: Liability for injury

J. McM. SHAFTER,

Speaker of the Assembly.

TIMOTHY BURNS,

Lt. Governor and President of the Senate.

Approved, March 24, 1852.

LEONARD J. FARWELL.

[*Published, April 5, 1852.*]

An Act to incorporate the Green Bay and Lake Superior Rail Road Company.

Chap 151

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

SECTION 1. That Heman B. Ely, Jonathan Child, Nicholas E. Paine, Samuel L. Selden, Alvah Strong, John Thompson, Jr., John F. Ely, Morgan L. Martin, and Charles Billingshurst, together with such other persons as may hereafter become associated with them as subscribers to the capital stock of this corporation in the manner hereinafter prescribed, their successors and assigns, be and they are hereby created a body corporate by the name of the Green Bay and Lake Superior Rail Road Company, and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy and retain to them and to their successors, lands, tenements, and hereditaments, so far as may be necessary for the purpose of said rail road, and the same to sell, grant, rent, or in any manner dispose of; to contract and be contracted with, to sue and be sued; implead and be impleaded, answer and be answered, defend and be defended, and also to have, make and use a common seal, the same to alter, break or renew at their pleasure; and if either of the persons named in this section shall die, refuse or neglect to execute the powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur. Created a body corporate.

SEC. 2. That the said corporation are hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route How vacancy to be filled. May cause survey to be made.

whereon to construct a rail road, and shall cause an estimate to be made of the probable cost thereof, for each mile separately; and the said corporation shall be and they are hereby invested with the rights to construct a rail road, with one or more railways or tracks, from or near the village of Green Bay, in the county of Brown, on the most practicable route to the line of the state of Michigan in the direction of Iron or Marquette Bay on Lake Superior.

Capita) stock. SEC. 3. That the capital stock of said corporation shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each, and five dollars on each share shall be paid at the time of subscribing.

To open books. SEC. 4. That the above named persons, or a majority of them, are authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription; which books shall be opened within eighteen months from the passage of said act, at such place or places as they may deem expedient, by giving thirty days' notice in some newspaper printed in the county of Brown, and in such other place or places as may be thought advisable, of the time and place or times and places of opening said books; the said books to be kept open thirty days.

Commissioners to call meeting. SEC. 5. That so soon as said stock, or fifty thousand dollars thereof shall have been subscribed, the above named persons, or the same number thereof, as shall have given the notice above required, shall give like notice for the meeting of the stockholders to choose directors at some time at least thirty days thereafter, and at some place within the said county of Brown, and if, at such time and place the holders of one-half or more of said stock subscribed, shall attend either in person or by lawful proxy, they shall proceed to choose from the stockholders by ballot, nine directors, each share of capital stock entitling the owner to one vote; and at such election, the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred, or any three of them, if no more be present, shall be inspectors of such election, and shall certify in writing signed by them or a majority of them, what persons are elected directors; and if two or more have an equal number of votes, such directors or inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner; and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting, seven shall form a board competent to transact all business of the company;

and thereafter a new election of directors shall be made annually, at such time and place as the stockholders, at their first meeting, shall appoint; and if the stockholders, at their first meeting, shall fail to appoint the day of such election, then it shall be holden in the succeeding year on the same day of the month on which said first election was holden, unless the same shall be on the first day of the week, in which case it shall be holden on the day next succeeding. And if no election be made on the day appointed, said company shall not be dissolved, but such election may be made at any time appointed by the by-laws of said company. And directors chosen at any election, shall, as soon as may be thereafter, choose, of their own number, one person to be president and another to be secretary of said company, and from time to time, may choose such other officers as by their by-laws they may designate as necessary.

SEC. 6. The directors may require payment to the subscription to the capital stock at such time, in such proportion, under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payments thereon or otherwise: *Provided*, They shall never require the payment to be made at any place out of the counties through which said rail road shall pass, nor exceeding ten per cent. on the stock subscribed at any one time. And such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act, for giving notice of the opening of the books of subscription for the stock of said company.

May require the payment of subscriptions.

Proviso.

SEC. 7. That the directors of said company shall have power to make, from time to time, all needful rules, regulations, and by-laws touching the business of said company and to determine the number of tracks and railways upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the time and manner in which passengers and goods shall be transported thereon, the manner of collecting tolls for such transportation, and to fix penalties for the breach of any rules, regulations, or by-laws, and to direct the mode and condition of transferring the stock of said company, and penalties provided for the said by-laws may be sued for by any person authorized thereto, in the name of said company, and recovered in an action of debt before any court having jurisdiction of the amount; and said company may erect and maintain toll-houses, and such other buildings and fixtures as the accommodation of those using

Powers.

said road, of themselves, as they may deem in any way necessary for their interest and convenience.

How damages
settled.

SEC. 8. That the said company shall have the right to enter upon any lands to survey and lay down said road, not exceeding one hundred feet in width, and to take any stone or gravel necessary for the construction of said road, and whenever any lands or materials shall be taken for the construction of said road, and the same shall not be given or granted to said company, the compensation to be paid therefor shall be determined by three appraisers to be appointed by the circuit judge of the fourth judicial circuit, who shall be sworn to faithfully and impartially discharge the duties of their appointment. The said appraisers when so appointed and sworn, after having given ten days' notice to said company and claimant, shall view the premises, and may take testimony, and they or any one of them are authorized to administer oaths for that purpose, and they shall render copies of their award to each of the parties, in writing, from which award either party may appeal to the circuit court of the county in which such land or materials may have been situate, and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases to said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, own, hold, and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by deed, as long as the same shall be used for the purposes of said road; and the said company shall have the right to enter upon any such lands to survey and construct said road, and to take said materials whenever said appraisers shall have made their award, and the said company shall have paid or tendered the amount of said award, without being liable as trespassers, and subject to be affected only by the determination of the appeal when taken.

May construct
road on highway

SEC. 9. That the said company may construct the said rail road across or upon any public road, highway, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water, or water course, to its former state, or as near as may be, and so as not to impair the usefulness of

said road, highway, or water course to the owner or to the public.

SEC. 10. On the completion of the said rail road or of any portion of the track not less than ten miles, it shall and may be lawful for said company to demand and receive such sums of money for the passage and freight of persons and property, as they shall from time to time think reasonable: *Provided*, That the legislature of this state shall have the right to alter or reduce the tolls, not however so that the profits of said company shall be less than twelve per cent. upon the capital stock invested, and the said company shall annually report to the legislature, the expenditures of said company, the amount of tolls received and the amount of capital stock invested.

May demand
tolls.

SEC. 11. That all persons paying the toll aforesaid, may, with suitable and proper carriages, use and travel upon said road, always subject, however, to such rules and regulations as said company are authorized to make by the seventh section of this act.

Persons paying
toll may travel
on road.

SEC. 12. That so soon as the amount of toll accruing and received for the use of said road or part thereof, according to the provisions of this act, shall exceed five per cent. on the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors of said company shall make a dividend of such net profits among the stockholders, in proportion to their respective shares, and no accumulative fund exceeding one per cent. of the profits of said company, shall remain undivided for more than six months.

To make divi-
dends.

SEC. 13. That if any person or persons shall willfully obstruct, or in any way spoil, injure or destroy said road, or any thing belonging or incident thereto, or any materials to be used in the construction thereof, or any building, fixture, or carriage erected or constructed for the use or conveyance thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in an action of debt, in any court having jurisdiction of the amount.

Penalty for dam-
age to road.

SEC. 14. That whenever it shall become necessary in the location or construction of said road to pass through the land of any individual, it shall be the duty of said company to provide for said individual, proper wagon-ways, and shall construct and maintain a suitable fence on each side of said road, wherever the same is located and completed through enclosed improvements; and in case said company shall neglect to provide such wagon-ways or construct such fences, such company shall be liable to such

To construct
passage ways.

individual in double the amount of damages occasioned by such neglect.

SEC. 15. The first meeting of said board shall be held at Green Bay, and may be called by any five of the persons named in the first section of this act, and may adjourn from time to time as the interests of said company may require, and a majority of said persons present at any meeting, shall be a quorum to transact any business authorized by this act.

J. McM. SHAFER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, March 24, 1852.

LEONARD J. FARWELL.

[*Published April 8, 1852.*]

Chap 152

An Act to incorporate the Milwaukee Orphan Asylum.

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

SECTION 1. All such persons of the female sex as now are or hereafter shall become annual subscribers to the amount of not less than fifty cents per annum, to the said association, shall be and are hereby constituted a body corporate and politic in fact and in name, by the name of "The Milwaukee Orphan's Asylum," and by that name shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions and causes whatsoever, and may have a common seal and change the same at their pleasure; and shall by that name and style be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *Provided*, That such estate shall never be applied to any other purposes than those for which this corporation is formed.

SEC. 2. The estate and concerns of the said corporation shall be managed, directed, and disposed of by a board of trustees, to be composed of a first and second directress, treasurer, secretary, and twenty-four managers, to be elected by a plurality of ballots of the members resident in the city of Milwaukee, being annual subscribers as aforesaid, and present at such election, yearly, on the first Tuesday of December, at such place in said city, and at such time of the day, as the board of trustees may from time to time

Where first meeting to be held.

Created a body corporate.

Affairs managed by board of trustees.