

CHAPTER 306. For perusing a bill or petition for an injunction, or
 Injunction, &c. *ne exeat*, and allowing or refusing writ, one dollar.
 Eligibility.

SECTION 33. No person shall be eligible for election to the office of judge of the municipal court, unless such person, at the time of his election, shall be a resident either of the city or town of Ripon.

Public act.

SECTION 34. This act shall take effect and be in force from and after its passage and publication. It is hereby declared to be a public act, and shall be favorably construed in all courts and places.

Approved April 15, 1861.

CHAPTER 306.

[Published April 30, 1861.]

AN ACT to revise [revive] and amend an act entitled an act to incorporate the La Crosse and Black River Falls railroad company, approved March 3d, 1855.

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

Revived.

SECTION 1. An act entitled "an act to incorporate the La Crosse and Black River Falls railroad company," approved March 3d, 1855, is hereby revived and declared to be in full force and effect.

Time extended.

SECTION 2. The time limited by the 18th section of the said act, hereby revived and amended, is hereby extended until the third day of March, in the year 1866.

Corporators.

SECTION 3. Leonard Lottridge, Thomas Spence, Harvey Rumsey, Theodore B. Edwards and Moses Anderson of the city of La Crosse, Charles M. Nichols of Onalaska, Chase A. Stevens of Stevenstown, Hugh Douglass of Melrose, William T. Price, D. D. Cheeney and Thomas O. Hearn of Black River Falls, are hereby declared corporators in said company, and shall constitute the board of directors of said company, instead of the persons named in the third section of said act, and shall have all the rights, powers and authority conferred by said act upon the first board of directors, and shall discharge all the duties of such directors.

SECTION 4. The capital stock of said company shall consist of twenty thousand shares of one hundred dollars each; but stock certificates shall be issued only for such number of shares as shall be actually paid for at par. And the directors are hereby authorized to receive in payment for any of the shares of such stock at par, any real estate situated within this state, at its fair cash value, or any personal property; but shall not receive in payment for any such stock, any notes or bonds secured by mortgage or otherwise, commonly known as farm mortgages.

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Capital stock.

Real and personal property received in payment.

SECTION 5. The said company is hereby authorized and fully empowered to make, execute and deliver to any person in trust or otherwise, any mortgage or mortgages which it may think proper, in security for the payment of the principal or interest of any bonds which may be issued by said company, or of any other debt, upon the whole or any part of the real estate of the said corporation, whether acquired by said corporation by gift, grant, devise or lease, or in payment for stock, and also of or upon the whole or any part of the railroad of said corporation, with its equipments and appurtenances and fixtures, and the rolling stock of said company; and such mortgage may embrace not only any property in the possession of said company at the time of the execution of such mortgage, but also such as may be acquired thereafter.

May execute mortgages, &c.

SECTION 6. At all elections of directors and at all other meetings of stockholders, all *bona fide* holders of any one of the unpaid bonds of said company shall have the same right of voting as the stockholders of said company, in proportion to the amount of said bonds; that is to say, every such bond holder shall be entitled to one vote for every one hundred dollars of the amount of bonds held by him; and the number of votes to which such bond holder shall be entitled, shall be specified in every bond issued by said company.

Election of directors.

SECTION 7. The said company is hereby authorized to locate and construct its railroad from any point in the city of La Crosse, which the board of directors shall think proper, instead of a point on the Mississippi river, as prescribed in the said act of which this is amendatory.

Location.

SECTION 8. The track, right of way, depot grounds and buildings, machine shops, rolling stock and all

Taxation.

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other property necessarily used in operating the railroad of said company, shall be subject to the same assessment and taxation, and no other, and entitled to the same exemptions, of like property, of other railroads in this state is now by general law subject or entitled to.

Three per cent. of earnings to be paid into state treasury.

SECTION 9. In consideration of the privileges and exemptions granted to and conferred upon the said company by this act, the said company shall annually, on or before such day as other railroad companies are or may be required to pay the tax or license required of them by law to be paid, pay into the treasury of this state three per centum of the gross earnings of its railroad for the year ending on the last day of the next preceding December, to be ascertained by deducting the total expense for the operating and repair of said railroad and rolling stock for such year, from the total receipts of the year. And the said company shall be compelled to apply for and obtain a license in the manner directed by chapter 174 of the general laws of 1860.

How earnings to be ascertained.

SECTION 10. For the purpose of ascertaining the gross earnings of said company, it shall keep an accurate account of its annual receipts and expenses; an abstract whereof for each calendar year shall be furnished by said company to the treasurer of this state, on or before the tenth day of February in each year, the truth of which abstract shall be verified by the affidavit of the officer of said company having the charge and custody of such accounts; and if such officer shall knowingly and willfully swear falsely in such affidavit, such false swearing is hereby declared to be perjury, and to subject such officer to the penalty provided by law for such crime.

Governor, &c., may examine books, &c.

SECTION 11. For the purpose of ascertaining the correctness of such abstract, and the truth of such affidavit, full power is hereby vested in the governor of this state, or any other person appointed as by law prescribed, to examine the books and papers of said company, and to examine, under oath, the officers, agents and employees of said company, and other persons; and if any person so examined by the governor or other authorized person, shall knowingly and willfully swear falsely concerning the matter about which he shall give testimony, such false swearing is hereby

declared to be perjury, and to subject such person to the penalty provided by law for such crime.

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SECTION 12. For securing to this state the payment of the aforesaid per centage, it is hereby declared that the state shall have the first lien upon the railroad and all other property of said company, which lien shall take and have precedence of all demands, decrees and judgments against said company; and the state shall also, in case of such failure or neglect by said company to pay such per centage, have the right to proceed against said company to procure a forfeiture of its charter, in the manner provided in chapter 174 of the general laws of 1860; and if the said company shall refuse or neglect for the space of ninety days, to pay such per centage, the state may repeal the exemption from taxation hereby granted, and thereafter the lands so exempted shall be subject to assessment and taxation in the same manner as they would have been, if this act had not passed.

State to have first lien on road, &c.

SECTION 13. If ten miles of the railroad of said company shall not be completed so as to admit of the running of a locomotive over the same, within five years from the date of the passage of this act, and if said railroad shall not be in like manner completed to its northeastern terminus, at or near the Black River Falls, within ten years from the date of the passage of this act, then the exemption from assessment and taxation, conferred by this act, shall cease and determine in relation to such proportion of the lands of said company so exempt, as the uncompleted portion of the line of said railroad bears to the whole line; and the lands in relation to which such exemption shall so cease, shall be those which are most distant from the completed portion of said railroad.

When exemption from taxation to cease.

SECTION 14. So much of the act of which this is amendatory, and which is hereby revived, as conflicts with the provisions of this act, or is inconsistent with or repugnant to the provisions of this act, is hereby repealed.

Repeal.

SECTION 15. This act is hereby declared a public act.

Public act.

SECTION 16. This act shall take effect and be in force from and after its passage.

Approved April 15, 1861.