

AN ACT to incorporate the Beloit and Taycheedah Rail Road Company.

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

SECTION 1. Alfred Field, John Hackett, A. Hyatt Smith, Timothy Jackman, Milo Jones, Dwight Foster, John Van Epps, Hiram Barber, Alonzo Wing, William Sanborn, John C. Gilman, Luther A. Cole, Alvin Foster, Charles Geisse, Mason C. Darling, R. M. Sweet, Charles S. Wright, D. A. McKenzie, Samuel Hale, 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 are hereby created a body corporate by the name of the "Beloit and Taycheedah Rail Road Company" and by that name shall be and are hereby made capable in law to purchase hold enjoy and retain to them and their successors lands tenement and hereditaments as far as may be necessary for the purpose of said rail road and the same to sell grant rent or in any manner to 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 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 perform the duties required by this act.

SEC. 2. Said corporation are hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous rout to construct a railroad and shall cause an estimate to be made of the probable cost thereof for each mile seperately: and the corporation shall be and they are hereby invested with the right to construct a railroad with one or more rail ways or tracks from or near the town of Beloit in the county of Rock on the most practicable rout to Taycheedah in the county of Fond du Lac touching at the intermediate points Janesville, Fort Atkinson, Jefferson and Watertown along and up the valley of the Rock river.

SEC. 3. The capital stock of said corporation shall be eight 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.

SEC. 4. The persons named in the first section of this act 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 book shall be opened within eighteen months from the passage of this act at such place or places as they may deem expedient by giving sixty days notice in at least three of the newspapers printed in the state of Wisconsin and such others as may be thought advisable of the time and place or times and places of opening said books.

SEC. 5. So soon as said stock or one hundred 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 counties of Rock, Jefferson, Dodge or Fond du Lac: 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 twelve 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 elections, 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, of which meeting seven shall form a quorum competent to transact all business of the company and thereafter a new election of directors shall be made annually at such time and place: 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 same month on which said 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 by the by-laws of said company, the 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 on the subscriptions to the capital stock at such time and in such proportion and under such conditions as they shall deem fit under the penalty of a forfeiture of all previous payments thereon or otherwise: provided, they shall never require payment to be made at any place out of the counties through which such railroad shall pass not 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.

SEC. 7. 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 rail ways upon said road and the width thereof, and the description of carriages which may be used thereon: also the said company shall have power to transport take and carry property and persons by the power and force of steam or animals or any mechanical or other power or any combination of them 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 such rules regulations or by-laws and to direct the mode and condition of transferring the stock of said company: and penalties provided for by 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 the said company may erect and maintain toll houses and such other buildings and fixtures for the accommodation of said road as they may deem in any way necessary for their interest and convenience.

SEC. 8. 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, as to the compensation to be paid therefor, the person or persons

claiming compensation as aforesaid, or if the owner or owners thereof are minors insane persons or married women, the guardian or guardians of such minor or minors and insane persons and the husband of such married woman may select for themselves an arbitrator and the company shall select an arbitrator and the two thus selected shall take to themselves a third who shall be sworn and paid as arbitrators between the parties and render copies of their award to each of the parties in writing from which award either party may appeal to the court of proper jurisdiction for the county in which such lands or materials may have been situate, and in all cases in which compensation shall in any manner be claimed for lands or materials said arbitrators and court in estimating such compensation shall not take into consideration any benefit or advantage which the location and construction of said road may give to said claimant, 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 shall have the same right to retain own hold and to 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 purpose of said road.

SEC. 9. Said company may construct the said rail road across any public or private road highway improved field streams of water or water course, if the same shall be necessary; but the said company shall restore such road highway improved field stream of water or water course to its former state, or shall leave it in such condition as will least impair the usefulness of said road highway improved field stream of water or water course to the owner or to the public.

SEC. 10. On the completion of said rail road or any portion of the track not less than ten miles it shall and may be lawful for the said company to demand and receive such sum and sums of money for 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 said tolls, not however so that the profits of the 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 expendi-

tures of said company, the amount of tolls received, and the amount of capital stock invested which report shall be sworn to by the president of said rail road company.

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

SEC. 12. 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 nett 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.

SEC. 13. If any person or persons shall wilfully obstruct or in any way spoil injure or destroy said road or any things 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 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.

SEC. 14. 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 waggon ways, and in case they shall neglect to provide such waggon ways, said company shall be liable to such individual in double the amount of damages occasioned by such neglect.

SEC. 15. The company created by this act shall be subject to the provisions of such general laws as may hereafter be enacted for the formation of corporations for the purpose of constructing rail roads pursuant to article ninth of the constitution.

SEC. 16. The first meeting of said board shall be held at the village of Watertown in Jefferson county and may be called by any six 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 per-

some or commissioners present at any meeting shall be a quorum to transact any business authorized by this act.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieutenant Governor and President of the Senate.

Approved, August 19, 1848.

NELSON DEWEY,

AN ACT to legalize the acts of School Commissioners in the towns of Merton and Lisbon, Waukesha county and of joint school district number one in the town of Bradford in Rock county and Darien in Walworth county.

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

SECTION 1. The acts of the commissioners of common schools of the towns of Merton and Lisbon in forming school district number six in Merton Waukesha county and the organization of said district and all acts of the legal and qualified voters of said district are hereby legalized and confirmed.

Sec. 2. The acts and doings of the commissioners of common schools of the towns of Bradford in Rock county and Darien in Walworth county are hereby ratified and confirmed in the organizing of joint school district number one in said towns of Bradford and Darien composed of sections one and two and the east half of sections three ten eleven and twelve in town two north of range fourteen east and the west half of the west half of section six, and the west half of the north west quarter of section seven town two north of range fifteen east : and the trustees of said district are hereby authorized to issue their warrant for the collection of the tax voted