

An Act to appropriate to Stephen O. Bennett a certain sum of money therein named Chap 114

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

SECTION 1. There is hereby appropriated to Stephen O. Bennett, out of any money in the treasury, the sum of fifteen dollars and sixty-two cents, (\$15.62,) in full payment and satisfaction of expenses incurred and paid by him in going to Waupun as state prison committee.

J. McM. SHAFER,
Speaker of the Assembly.

E. B. DEAN, Jr.,
President pro tem. the Senat.

Approved, March 11, 1852.

LEONARD J. FARWELL.

An Act to incorporate the Potosi and Belmont Plank Road Company.

Chap 115

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

SECTION 1. That James F. Chapman, Benjamin F. Woods, George Kinney, Jacob C. Merritt, Charles Dunn, George R. Stuntz, Samuel Wilson, Elias Utt, Jonathan Craig, John Morshead, Leonard Coates, Samuel Moore, Thomas Palliser, Samuel D. Ruen, H. E. Block, Levi Brown, and Chauncey Jones, Jr., 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 Potosi and Belmont Plank Road Company, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving such subscriptions, first giving thirty days' notice of the times and places of taking subscriptions, by publishing the same in a newspaper printed in the county of Grant. Commissioners.

SEC. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, by the name and style of the Potosi and Belmont Plank Road Company, for the purpose of constructing a plank road from the town of Potosi in the county of Grant, to such point in the town of Belmont in the county of Lafayette, as the said company may determine; and such body corporate shall have power to sue and be sued, in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey or lease, to contract and Created a body corporate.
Powers.

be contracted with, in all matters pertaining to the objects of said road, to have and use a common seal, and pass all such by-laws and regulations as may be necessary for the proper government of said company.

Capital stock.

SEC. 3. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, which shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company. And the affairs of said company shall be managed by a board of directors, who shall be stockholders, and chosen by ballot by the stockholders, in person or by their proxies duly authorized; and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, excepting in elections for directors, in which the nine persons having the greatest number of votes cast for directors, shall be declared duly elected.

To give notice.

SEC. 4. Whenever ten thousand dollars of the capital stock of said company shall have been subscribed, and five per cent. paid thereon to the said commissioners for the use of said company, the said commissioners or a majority of them shall give at least twenty days' notice in some newspaper printed in the county of Grant, of the time and place of the meeting of the stockholders for the purpose of electing nine directors, who shall hold their office for one year and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in May of each year: *Provided*, That whenever there shall be a vacancy in the said board of directors the said directors then holding office, or a majority of them shall have power to fill the same: *And provided further*, That in case of a failure to hold any annual meeting and to elect directors as aforesaid, this charter shall not be forfeited, but a special meeting may at any time thereafter be called for the purpose of electing directors, by giving like notice as is required to be given for the first election under this charter.

To choose officers.

SEC. 5. The board of directors shall organize by electing one of their number president, and by appointing a secretary and treasurer, and when so organized shall have the right to locate and construct a single or double track plank road between the points mentioned in the second section of this act, or any part of the distance; the track of said road shall be constructed of timber and plank; the particular manner of building the same is to be determined by the board of directors.

SEC. 6. The location of the route of said road is to be determined by the board of directors of said company; and if the same be located on any public highway, they shall have power to contract with the board of supervisors of the town in which such highway may be, for the right to use such highway, for the purposes of said road; and should the same be located on or through any street, lane, or alley, in any incorporated town within the said counties of Grant or Lafayette, the board of trustees of such town are hereby authorized to grant to said company the right to use any such street, lane, or alley in their town on such terms as may be agreed upon between the said board and the directors of said company.

May construct road on highway

SEC. 7. It shall and may be lawful for said company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings, or through any yard or enclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be located and determined by the said company, it shall be lawful for them, their engineers, and servants, at any time, to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any lands adjoining the said road, gravel, stone, or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall have been ascertained in the manner hereinafter directed.

May enter upon lands.

SEC. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may have been located, and the owner or owners thereof shall refuse to permit such entry or occupation, and the company and the said owner should fail to agree upon the compensation to be made for any injury that may be done to such lands, by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be sworn fairly and impartially to estimate the same, and whose decision in the premises shall be final. If the parties cannot 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 making the appointment of said appraisers within ten days after a requisition for that pur-

How disagreements settled.

pose upon him made by the said company or if such owner shall be under legal disability, or out of the state, then and in such case it shall be lawful for the judge of the circuit court of the county in which said land may lie, on application by, and at the cost and charge of said company, to appoint three disinterested persons, residents and freeholders in said county, to view and examine said land and estimate the injury and damage, if any, or otherwise the benefits which in their judgment will be sustained by the use of said land, by reason of the location and the construction of said road. The said appraisers shall under oath report their decision to the circuit court of said county; which report, being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day each, for their services, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum which may have been tendered by said company for the use of such land, or 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 under any legal disability, the cost of such assessment shall be paid by said company, and it shall be the duty of the said appraisers in estimating such damages, to take into consideration the advantages that may accrue to the owner of said land from the construction of the said road; either party may appeal from the decision of said appraisers to the circuit court, within thirty days after such report may have been filed in the clerk's office; and such appeal may be tried as other issues arising in said court; upon payment or tender of payment of the sum specified in the report of said appraisers, to the owners of said lands, or a deposit of the same for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Proviso.

SEC. 9. The directors of said company shall decide the time and manner and the proportions in which the said stockholders shall pay in the amount due on their respective shares, and they shall have full power to declare forfeited to the use of said company any share or shares held by any person failing to pay any installment required to be paid, after advertising a call for such installment for a period not less than thirty days, in one or more newspapers printed and published in the said county of Grant: *Provided*, That no installment called in at any one time, shall exceed five dollars per share, and that no installment shall

May declare
stock forfeited.

Proviso.

be called without first giving the notice above provided.

SEC. 10. The directors of said company shall issue a certificate to each stockholder for the number of shares he shall subscribe for and hold in said company, therein specifying the sum such stockholder has paid on such shares, which said certificate shall be signed by the president, countersigned by the secretary, and sealed with the seal of said company; and shall be subject to all the payments due or to become due thereon; which stock may be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as the company shall prescribe.

Directors to issue certificate.

SEC. 11. 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 preceding year, and special meetings of the stockholders may be called by order of the directors, or by any number of the stockholders holding one-fourth in amount of the capital stock of the company, on like notice as is required for annual meetings; but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented.

Directors to make exhibit.

SEC. 12. On the completion of said road or any distance thereof, the company may erect one or more toll gates upon their road, but not at a less distance than five miles apart, and may demand and receive such tolls as from time to time they may think reasonable: *Provided*, Said tolls shall not exceed the following rates: two cents per mile for any vehicle drawn by two animals, one cent per mile for every additional animal; for any vehicle drawn by one animal, one cent per mile; for every horse and rider or led horse, one cent per mile; for every twenty sheep or swine, and for every twenty neat cattle in droves, one cent per mile.

May erect toll gates.

SEC. 13. If any person shall wilfully and knowingly obstruct, or break, injure, or destroy the road so to be constructed by said company, or any part thereof, or any work, or fixtures 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 to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county wherein the offence shall have been committed.

Damage to road how punished.

SEC. 14. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such

Property to be liable for debts.

manner as is or may be provided by law: *Provided, That* all debts due said company from such individual shall be first paid.

May borrow
money.

SEC. 15. The said company shall have full power by a vote of the stockholders thereof, to contract for and with any person or persons, body politic or corporate, a loan or loans of such sums of money as said company may at any time need for the completion of the said road, at such rate of interest as may be agreed upon between the parties and the said company, through and by their officers, shall have full power to make, execute, and deliver bonds, notes, or mortgages, for the amount so borrowed by said company for the purposes aforesaid.

How charter
forfeited.

SEC. 16. If said company shall not within five years from the passage of this act commence the construction of said road, and shall not within ten years thereafter commence, finish, and put in operation a single or double track plank road from Potosi in the county of Grant, to some point in the town of Belmont, in the county of Lafayette aforesaid, then the rights, privileges, and powers of said corporation under this act, shall be null and void.

Liable for dam-
age.

SEC. 17. Said company shall be liable for all injuries or damage which any person may sustain in his or her property or person by reason of said road being out of repair or of any defects in said road.

SEC. 18. This act shall be in force and take effect from and after its passage.

J. McM. SILAFTER.

Speaker of the Assembly.

TIMOTHY BURNS,

It. Governor and President of the Senate.

Approved. March 12, 1852.

LEONARD J. FARWELL.

[*Published, March 24, 1852.*]

Chap. 116

An Act to authorize the construction of a Dam across the Manitowoc River.

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

Authorized to
build a dam.

SECTION 1. Edward D. Beardsley and Thomas W. Baker, their associates, successors, heirs and assigns, are hereby authorized to erect and maintain a dam across the Manitowoc river, on lots number two and number six, (6) on section number ten, in township number nineteen, north of