

An Act to incorporate the Grafton and Hartford Plank and Turnpike Road Company. **Chap 277**

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

SECTION 1. That Lewis E. Peck, James A. Rossman, Hiram H. Wheelock, D. W. Maxon, Ozius Dodge, F. Hilgen, F. W. Horn, P. Halpin, H. G. Turner, Geo. P. Goulding, John Cottingham, John Howe, L. M. Griswold, are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Grafton and Hartford Plank and Turnpike 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 thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the county of Washington. Commissioners.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, and shall be divided into shares of ten dollars each; and as soon as two 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 Grafton and Hartford Plank and Turnpike 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, or 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. Capital stock.

SEC. 3. The said commissioners or a majority of them, after the said (four) [two] 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 seven directors, who shall elect one of their number president; and annually thereafter the said stockholders shall meet on the first Monday in July for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the di- To call meeting

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rectors 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 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 by a majority of them.

Board of directors.

SEC. 4. The affairs of said company shall be managed by a board of seven 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, orders, 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 seven stockholders having the greatest number of votes shall be declared duly elected.

Powers.

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, and 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; and they shall have 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 whatever, 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, 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 or 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.

SEC. 6. The said company shall have power to locate and construct a single or double track plank or turnpike road, from the village of Hartford in Washington county through Grafton, to the lake, 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 audit and pay all accounts, give and receive all such receipts and discharges of debt as shall be deemed best for the interests 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 meetings of the stockholders and declare and pay the dividends or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of the stock to the stockholders of said company, on the first Monday of July and January of each year.

Route of road.

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 the route of said plank and turnpike road, doing thereunto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands for the purposes of said road, not exceeding four rods in width 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. When the said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners no such agreement or purchase can be

How damage settled.

made, then and in any such case it shall be lawful for any justice of the peace of the county in which the property may lie, to issue his warrant directed to the sheriff or any constable of said county not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him or her strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages, and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, according to the best of his skill and judgment, whereupon the said jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of said jurors, and by the sheriff or other officer in attendance, and the said officer shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and when such valuation shall be paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple, so long as the land thus valued and taken shall be used for the track of said plank and turnpike road: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting,

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for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age or *non compos mentis*, the service of notice upon the guardian or trustee, (if any there be,) or their absence from the county shall be required to be established by affidavit to the said jurors before they shall proceed to make such valuation: *Provided further*, That in case of such disagreement the company shall not take possession of any land or material until such jury shall have first decided that the taking thereof is necessary, and in case of materials that the same are not essentially necessary to the owner or owners thereof for his, her, or their private use.

SEC. 9. The shares of stock of the company 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 first be 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 shall refuse to give their consent, then the damages to the town shall be appraised or ascertained as in case of private property, and the amount so appraised for such 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 three 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 animals, 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 horse and rider or led 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 per mile: *Provided*, That persons going to and returning from military parade at which they are required by law to attend, persons going

Stock deemed
personal prop-
erty.

Provido.

Rates of toll.

Provido.

to and returning from funerals, or while actually going to or returning from any religious meeting on Sunday, shall be exempt from toll.

May receive property on subscriptions.

SEC. 11. The said directors may receive from any stockholder in said company in lieu of money, for the stock subscribed by him, real or personal security, to the approval of said board of directors, and upon the acceptance of such securities from said stockholders or any of them, the subscription of said stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per cent. per annum, for a period not exceeding ten years, and to execute to said company by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them or any of them, in the same manner as if the same was made payable to individuals or to their orders or assigns.

Penalty for damage to road.

SEC. 12. If any person shall willfully and knowingly obstruct, injure, or destroy the road so to be constructed by said company, or any part thereof; or any work, building, 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 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.

May increase capital stock.

SEC. 13. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority of the amount of such stockholders, 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.

Liable for damages.

SEC. 14. Said company shall be liable for all damages that may be sustained by any person or persons in conse-

quence of the omission or neglect to keep said road in good repair and condition.

J. McM. SHAFTER.

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved April 10, 1852.

LEONARD J. FARWELL.

[Published, April 20, 1852.]

An Act to permanently locate the County Seat of Calumet County.

Chap 278

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

SECTION 1. That an act entitled "An Act to organize the county of Calumet, for judicial purposes, approved on the 5th day of February, 1850, be and the same is hereby amended as follows: the sixth section of said act is hereby amended as follows: the people of the several towns in said county of Calumet shall vote for the location of the county seat of said county at the general election to be held in said county on the first Tuesday of November, 1852. Act amended.

SEC. 2. It shall be the duty of the clerk of the board of supervisors at least twenty days before the time of such general election, to cause to be posted in the several towns in said county, notice thereof. Clerk to give notice.

SEC. 3. All votes cast for locating the county seat shall be by ballot, and each ballot shall contain the name or an accurate description of the place voted for, and that place which shall have a majority of all the votes cast on such location shall be and remain the county seat of said county. Form of ballot.

SEC. 4. In case a majority of the votes shall not be cast for any one of the places [voted] for, it shall be the duty of the clerk of the board of supervisors within one month after said election, to give notice in the manner hereinbefore described, of a second election, at which the places having the two highest number of votes at the previous election shall be voted for, and the place which shall then have the highest number of said votes shall be permanently the county seat of said county. New election.

SEC. 5. There shall not be any taxes levied for building county buildings until the taxable property of said county shall amount to the sum of five hundred thousand dollars. When tax levied for county buildings.

SEC. 6. It shall and may be lawful for the county offi-