

boomage of twenty-five cents per thousand feet, solid measure; and they shall have a lien on all logs or timber so boomed and secured, for the payment of boomage.

SEC. 4. Whenever any logs shall be thus boomed and secured, and no persons shall appear in behalf of the owner or owners thereof to take delivery of the same, and to pay the boomage thereon, the said corporation shall cause said logs to be sawed into lumber, and accurately measured, and after deducting their fees for boomage and the usual rates for sawing, the balance shall be kept by said corporation, subject to the order or disposition of the owner. The said corporation shall cause to be entered in a book to be kept for that purpose, the different marks on logs or timber thus boomed and secured, for which no owner shall appear, the number of logs bearing any mark, and the amount of lumber cut from logs bearing such mark or marks, and shall at the close of navigation in the autumn of each year, deposite in the town clerk's office of the town where such boom may be situated, a copy of all such entries made for that year; the books of said corporation shall at all times be open for the inspection of all persons.

Proceedings
when lumber not
claimed.

SEC. 5. Any person or persons wishing to run logs or timber in a "drive" past said boom, shall give the said corporation notice of such desire, and the said corporation upon receiving such notice shall with as little delay as possible, proceed to arrange their boom in such a manner as to permit the passage of logs and timber, and no person shall open said boom at any time for the passage of rafts or logs, without first requiring said corporation so to do.

When to notify
company.

J. McM. SHAFER,

Speaker of the Assembly.

E. B. DEAN, JR.,

President pro tem. of the Senate.

Approved April 14, 1852.

LEONARD J. FARWELL.

[*Published, June 3, 1852.*]

An Act to incorporate the Little Bull Falls Improvement and Steam Navigation Company.

Chap 324

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

SECTION 1. Walter D. McIndoe, Henry Cate, Joseph Desert, George J. Goodhue, William A. Schofield, James Etherige, Charles Shuter, and George W. Cate, their associates, successors, and assigns, are hereby created a body

Created a corporate body.

corporate by the name of the "Little Bull Falls Improvement and Steam Navigation Company," and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements, and hereditaments, 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 unto, defend and be defended, and also to make, have, and use, a common seal, the same to alter, break, or renew at their pleasure; but if either or any of the persons named in this section shall refuse to accept of the privileges and discharge and perform the powers hereby conferred, it shall be the privilege of any other of the persons named in this section to object to the exercising by the said company any of the powers granted by this act; and in case any of said persons shall so object as lastly above mentioned, the corporation are hereby prohibited from doing, performing, or exercising any powers or privileges conferred by this act: *Provided*, That said objection be made before said company shall have entered upon the performance of the business for which it was created. The said persons, their associates, successors, and assigns, are created a body corporate for the purpose of improving the navigation of the Wisconsin river from Stevens Point in Portage county, and Wausau in Marathon county, and improving the slew in Little Bull Island, by means of dams, locks, gates, and piers, and of using or leasing the water power thereby created.

Capital stock.

SEC. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be subscribed in shares of fifty dollars each, and as soon as forty shares of said stock shall be subscribed, the individuals above named may, by public notice to be posted up at Plover and Stevens Point in Portage county, and at Little Bull Falls and Wausau in Marathon county, for a period of not less than thirty days, call a meeting of the stockholders of said company for an election of three directors.

May erect dams and make improvements.

SEC. 3. For the purpose of carrying out the objects of this incorporation, they and their successors and assigns shall have power to erect and maintain such dams and wing dams and piers, at such points on the Wisconsin river between the points aforesaid, as to them shall seem necessary for the suitable improvement of the navigation of said river, and to improve the "slough" through the island in the Wisconsin river, know as Little Bull Island, called the Bean Slough, by the erection of dams, piers, and locks, in such manner as may be necessary to keep up and main-

tain an artificial channel or canal through said island, and for this purpose they and their successors and assigns in their corporate name, shall be and they are hereby made capable in law to purchase, receive, have, hold, and enjoy any lands, tenements, water power, and water privileges, goods and chattels and other real and personal estate as may be necessary to accomplish the objects of their incorporation, and the same to use and employ, grant, demise, pledge, convey, and dispose of as they shall deem proper, and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporations, and useful or necessary for the purposes of their incorporation, and they and their successors and assigns shall have power and authority to demand and receive, and give receipts for the same, and to sue for and recover by summons, distress, attachment, or in any other proper manner, tolls upon all lumber, timber, logs, shingles, lath, boats, scows, barges, or other vessels which shall pass over or through all or any of the improvements made by them or their successors or assigns, the amounts thereof and rates of toll to be established and regulated by a vote of the majority of the stockholders at any legal meeting, subject, however to the alteration and revision of the legislature of this state.

SEC. 4. As soon as three thousand dollars of the capital stock of the said company shall have been paid or satisfactorily secured, it shall and may be lawful for the said company to commence their business, and the said directors or a majority of them shall have power to call in said stock from time to time, in such installments as they shall see fit to prescribe, giving thirty days' notice as aforesaid, not exceeding ten dollars on each share for one installment, and the installments not less than thirty days apart, and if any stockholder shall neglect or refuse to pay his installment on his stock, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company for the use and benefit of said company. And the stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company in such manner as shall be prescribed by the by-laws of the said corporation.

SEC. 5. A dividend of the profits of the said company, (except of so much thereof as shall be set apart for a surplus fund,) shall be made semi-annually by the directors among the stockholders, but no dividend shall be made of any part of the capital stock of said company; and the

books of the said company shall at all times be open for the inspection of the stockholders or any of them, and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book to be kept by the directors for that purpose.

May enter upon lands. SEC. 6. The said company, their officers, engineers, and agents, may enter upon any land for the purpose of exploring, surveying, and locating any part of said improvement, doing thereto no unnecessary damage, and when the place or places for the location of said improvement or any part 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, or any trees or stone thereon as may be necessary to construct such improvements: **Proviso.** *Provided*, The payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided, shall have been first paid to the owner or owners of such land, and all damages which any person or persons may sustain in consequence of the erection and making such improvement.

How damages settled. SEC. 7. When the said corporation cannot agree with the owner or owners of such required land or timber or stone, for the purchase thereof, or as to the compensation to be paid to any person or persons who may sustain any damage arising out of the making of such improvement, it shall be lawful for the judge of the circuit court of the county in which such lands lie, or the person or persons sustaining damage may reside, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons, whose duty it shall be to view and examine the premises on which it is proposed to locate said improvement, and to estimate the value of the land, stone, and timber required, and the damage which the owner or owners of any such land may sustain, in consequence of the proposed improvements being made, taking into consideration the future as well as present disadvantages and damages which the owners of any land required for the proposed improvement may sustain in consequence thereof, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent to administer an oath, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, stone, or timber, and the damages which the owners of any such land may sustain, in consequence of

such improvements, and shall make a report of such valuation in writing, under their hands and seals, to said judge and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county where said improvement may be located; and it shall be the duty of the clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party at any term of said court: *Pro-* Proviso.
vided, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and a jury may be empaneled and judgment rendered in the same manner as in other cases.

SEC. 8. The said improvements shall be so constructed How constructed
as not to interfere with the navigation of the main channel of said river.

SEC. 9. The said company are hereby authorized and fully empowered in their corporate name and capacity, to May borrow money.
borrow any sum or sums of money from any person or persons and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds, or other evidences of debt, and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state to the contrary notwithstanding; and the said company are authorized and empowered to invest their surplus capital in such manner as they may deem proper, and receive and take in their corporate capacity as security for the same, notes, bonds, mortgages, or other writings.

SEC. 10. The directors of said company shall have Powers.
power to make all needful rules and regulations and by-laws touching the business of said company, and determine how said improvement or any part thereof shall be built; shall regulate the amount of tolls and the manner of collecting the same; fix penalties for the breach of any such rules, regulations, and by-laws; and penalties provided for in such by-laws may be sued for by any person authorized thereby in the name of said company, and recovered in an action of debt before any court having competent jurisdic-

tion; the by-laws being at all times subject to the revision of the legislature.

How dissolved. SEC. 11. The said corporation may be dissolved by a vote of two-thirds of the stockholders, and the said directors shall make such by-laws as may be thought proper to govern said company in closing up the affairs of the same, in case of a dissolution.

Public act. SEC. 12. This act is hereby declared to be a public act and shall be favorably construed, and printed copies thereof shall be received in evidence as proof of the provisions therein contained, in any of the courts of this state: *Provided*, The same shall not be in force until all of the persons named in the first section of this act, or their legal representatives shall sign and cause to be recorded in the office of the register of deeds for Marathon county, a certificate of their assent to the exercise of the powers and provisions of this act.

J. McM. SHAFER,

Speaker of the Assembly.

E. B. DEAN, JR.

President pro tem. of the Senate.

Approved, April 14, 1852.

LEONARD J. FARWELL.

[*Published May 27, 1852.*]

Chap 325

An Act to amend an act entitled "An Act to incorporate the Village of Port Washington"

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

Act amended SECTION 1. The tenth subdivision of section thirteen of said act shall be [so] amended as to read as follows: "The trustees shall have power upon application in writing of the owners or occupants of two-thirds of the lots bordering and abutting on any street or part of a street within said village, to cause to be graded, graveled, or paved, or otherwise to improve the streets or side walks thereof, and to levy and collect a special tax on the lots and land bordering and abutting on such street or side walk in equal proportion to the fronts of such lots respectively for the purpose of defraying the costs of the same in addition to the ordinary tax authorized to be levied and collected; such special tax to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the trustees to provide by ordinance for the assessing, correcting, and equalization of such special tax, and the property so assessed shall be liable for the pay-