

SEC. 7. This act shall take effect and be in force from and after the time the same is printed.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

E. B. DEAN, JR.,  
*President pro tem. of the Senate.*

Approved April 17, 1852.

LEONARD J. FARWELL.

[*Published, June 9, 1852.*]

## Chap 411

An Act to legalize the acts of Lyman H. Baldwin a Justice of the Peace.

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

Acts, legalized.

SECTION 1. The acts of Lyman H. Baldwin, a justice of the peace for the town of Charleston, Calumet county, is hereby declared to be as valid as if the bond of the said justice had been filed according to law, all acts to the contrary notwithstanding.

SEC. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

E. B. DEAN, JR.,  
*President pro tem. of the Senate.*

Approved, April 17, 1852.

LEONARD J. FARWELL.

## Chap 412

An Act authorizing and requiring the Superintendent of Schools of the town of Kendall, in the county of LaFayette, to distribute school money.

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

To distribute school money.

SECTION 1. The superintendent of schools of the town of Kendall in the county of LaFayette, is hereby authorized and required on the first Monday in April, 1852, to distribute all money in his hands for school purposes, to the several districts in said town, according to the number of children residing in each, who are over four and under twenty years of age.

Condition of apportionment.

SEC. 2. No money shall be apportioned to any school district unless it shall appear by the report of the clerk thereof, under oath, dated on the first day of April, 1852, that a school has been taught in said district three months during the year preceding, by a teacher duly qualified in all respects according to law.

SEC. 3. This act shall be published immediately, and be in force from and after the publication thereof.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

E. B. DEAN, JR.  
*President pro tem. of the Senate.*

Approved April 17, 1852.

LEONARD J. FARWELL.

[Published June 15, 1852.]

An Act to authorize the organized towns in this State to erect and maintain bridges. **Chap 413**

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

SECTION 1. Any of the organized towns of this state are hereby authorized by a vote of a majority of the voters of such town, to erect and construct bridges across any of the navigable streams in this state, running through the towns erecting such bridge or bridges, and shall have power by a like vote of the town to levy taxes upon the taxable property of said town, to erect and maintain said bridge or bridges in the same manner that highway taxes are levied. Authorized to construct bridge

SEC. 2. The said bridges erected under the provisions of this act shall be so constructed as not to obstruct the navigation of the streams upon which they are erected. How constructed.

SEC. 3. This act shall be in force from and after its passage.

J. McM. SHAFTER,  
*Speaker of the Assembly.*

E. B. DEAN, JR.  
*President pro tem. of the Senate.*

Approved, April 17, 1852.

LEONARD J. FARWELL.

[Published June 15, 1852.]

An Act to incorporate the Portland, York and Bristol Plank Road Company. **Chap 414**

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

SECTION 1. William Larrabee, Darwin Clark, \_\_\_\_\_ Wilson, \_\_\_\_\_ Young, Walter Brown, Andrew Sherburn, Samuel Cripps, William H. Clark, J. J. Nichols, Truman Hewitt, Joseph Cross, and Ephraim Baker, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to Commissioners.

the capital stock of the Portland, York and Bristol Plank 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 Dane.

Powers.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, in shares of ten dollars each, and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be, and are hereby created and declared a body corporate and politic, by the name and style of the "Portland, York and Bristol Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estates, real, 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 an incorporated company may by law do.

To call meeting

SEC. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said county of Dane, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices for one year, and until their successors are elected; and annually thereafter, on the anniversary of the first election, upon notice of the place of meeting being given by the directors then in office, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the commissioners above named, upon the subscription of two hundred shares of stock, and the organization of said commissioners by the election by them of one of their number president shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time in the board of

directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and shall be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the decision of all questions acted upon at any meeting of the stockholders, each share shall be entitled to one vote, and a majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Board of directors.

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by appointing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers and agents, as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which said by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Powers of directors.

SEC. 6. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay installments on their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to accept in behalf of said company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liability thereafter for or on account of the acts of said company.

May forfeit stock.

SEC. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution or management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certifi-

To issue certificates.

cate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on each share at the time of issuing such certificate or certificates, which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

**Route of road.** SEC. 8. The said company shall have power to construct a single or double track road from such point as they may select in the town of Portland, in the county of Dodge, and state of Wisconsin, and thence on the most practicable route through York, to the town of Bristol, where the Madison and Columbus road crosses the Waterloo creek, on the north-west quarter of the south-west quarter of section twenty-three in township nine, range eleven, near the house of J. J. Nichols, in the county of Dane. The track of said road shall be constructed of plank, stone, gravel, or charcoal or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular, and proper surface for the passage of wagons and carriages.

**May enter on lands.** SEC. 9. It shall 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 road, doing thereto 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 have and use said lands, 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 will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of such road, as may endanger said road by falling or otherwise.

**How damages settled.** SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity of the owner or owners no such purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a 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 meet the said justice at some convenient place, at or near the 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 panel of nine jurors, and from them the said company, and the owner or owners of the said property to be valued, their agent or attorney, or either of them, and if they are not present by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of their skill and judgment; whereupon, the said justice and the jurors shall proceed to view the said land or materials so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the said jury thereon shall be signed by the jurors or a majority of them and by the justice of the peace; and the said justice of the peace, shall, within five days thereafter, transmit the same to the clerk of the circuit 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 such valuation, when 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, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful Proviso. for any justice or jury of inquest to proceed in the valuation of any such 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 for the purpose of making such

valuation, or unless it shall in like manner be shown that such owner or owners are under age, or *non compos mentis*. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

May construct  
road on highway

Proviso.

SEC. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and the said company may erect toll gates and exact toll from persons traveling on their road, when four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for each additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to or from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the same is paid.

SEC. 12. 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 security 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 centum 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 were made payable to individuals or to their orders or assigns.

May receive securities on subscriptions.

SEC. 13. If any person shall willfully or knowingly obstruct, break, injure, or destroy the said road 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 to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where 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.

Penalty for injury to road.

SEC. 14. Any person who shall willfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damage done to the profits of said company, in an action of trespass.

Penalty for evading toll.

SEC. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may 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.

May increase capital stock.



How charter forfeited.

SEC. 16. If said corporation shall not within three years from the passage of this act commence the construction of said plank road, and expend one thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish, and put in operation a single or double track of plank or gravel road between the places aforementioned, then the rights, privileges, and powers of the said corporation under this act shall cease and be determined.

Public act.

SEC. 17. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence in all courts and places.

SEC. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFER,

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published June 22, 1852.*]

## Chap 415

An Act to incorporate the Mineral Point Rail Road Company.

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

Commissioners.

SECTION 1. That Francis Vivian, Parley Eaton, Francis J. Dunn, Cyrus Woodman, John Bracken, A. W. Comfort, Henry Koop, and John Milton, of the county of Iowa; Samuel Cole, Charles H. Lamar, John W. Blackstone, H. P. Ladd, Edward H. Gratiot, Charles Dunn, James H. Knowlton, and Joseph M. Brewster, of the county of LaFayette, 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 Mineral Point Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they may 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 subscription, by publishing the same, weekly, in a public newspaper printed in the county of Iowa.

Capital stock.

SEC. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars