

government of said corporation as they shall deem necessary, not inconsistent with the constitution and laws of this state.

SECTION 8. No religious test or qualification shall be required of any trustee or officer of said corporation, nor of any teacher or student of said institution.

No religious test

SECTION 9. The library, cabinet apparatus and books and all buildings and lands, not exceeding forty acres, belonging to the said corporation, actually occupied solely for the purposes of said corporation, shall be exempt from taxation.

Exempt from taxation.

SECTION 10. This act shall take effect from and after its passage.

Approved April 4, 1864.

CHAPTER 442.

[Published May 6, 1864.]

AN ACT to incorporate the La Crosse and Greenfield plank and turnpike road company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Harvey T. Rumsey, Joseph W. Losey, Jacob Beckel, Warren Post and L. C. McKinney are hereby created a body corporate, by the name, style and description of the "La Crosse and Greenfield plank and turnpike road company," with perpetual succession, and by that name shall be and are hereby made capable in law to purchase, hold, enjoy, retain to them and their succession, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a plank or turnpike road, as hereinafter set forth, and the same to lease, sell, grant or in any manner dispose of; to contract and be contracted with, to sue and to be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter or renew at pleasure, and, generally, may do and perform all and singular the acts and matters which to any corporation shall lawfully appertain to do and perform for the well being of said corporation.

Corporators.

Name and powers.

Capital stock.

Opening of books of subscription.

When first directors may be elected.

Until election, corporators may exercise powers of directors.

Vacancy.

Board of directors.

Other officers.

SECTION 2. The capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and the above-named persons, or a majority of them, are hereby authorized to cause books to be opened for securing subscriptions to the capital stock of said corporation, and shall prescribe the form of such subscription, which books shall be opened within twelve months from the passage of this act, at such place or places as they may deem expedient; and so soon as fifty shares shall be subscribed for, the said corporation shall be authorized to proceed to a full and complete organization.

SECTION 3. The said corporators, or a majority of them, after the said fifty shares of stock shall have been subscribed as aforesaid, shall give notice of the time and place of meeting of the stockholders for the purpose of electing three directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, the said stockholders shall meet to elect directors: *provided*, that until the first election of directors, the corporators before named, upon the subscription of fifty shares of stock and the organizing of said corporators 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 completed, as if a regular election of directors had taken place; and in case of vacancy at any time happening in the board of corporators acting in the capacity of directors, the board shall have power to fill such vacancy.

SECTION 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and in all elections and in all discussions of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and a majority of votes cast shall govern, except in elections, where the three persons having the greatest number of votes cast for directors, shall be declared duly elected.

SECTION 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing 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 see fit, and shall fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke all 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 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.

By-laws.

SECTION 6. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay installments upon 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 except [accept] in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing (to) the same valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Installments on stock.

SECTION 7. The said directors shall have power to regulate and receive 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 and management of the works and the interest and convenience of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed in the by-laws of said company.

Tolls, certificates &amp;c.

SECTION 8. The said company shall have power to locate and construct a single or double track road from some point in the city of La Crosse to some point in the town of Greenfield, as shall be determined by [the] directors of said company. The track of said road shall be constructed of plank, stone, gravel or solid earth, or

Location of road.

either, in whole or in part of each, at the option of the directors, so that the same when completed shall constitute a firm and regular surface.

May enter upon  
lands, &c.

SECTION 9. 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 road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of and use such lands, not exceeding four rods in width, along the line of said road, 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: *provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations or 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 said road as may endanger said road by falling or otherwise.

Width.

If parties cannot  
agree on amount  
of compensation,  
question may be  
determined by  
jury.

SECTION 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 purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchases can be made therein, (*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 seven 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 such warrant; and if at the time and place named, (*and if*) 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 seven jurors, and (*from*) 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 or

agent, the sheriff or constable shall for him, them or her, strike off each two of said jurors, and the remaining three 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 damage which the owner or owners shall sustain by reason of the construction of said road, according to the best of their skill and judgment; whereupon the said justice and jurors shall proceed to view the said land or material 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 of the peace, and the verdict of the jurors 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 within five days thereafter, [shall] 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 clerk of the circuit 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 lands thus valued and taken shall be used for the track of said road: *provided*, that it shall not be lawful for any justice or jury of inquest to proceed in such 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 in like manner it shall be shown that such owner or owners are under age, or *non compos mentis*, or absent from the county in which such land is situated. 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 decide that the same are essential to

Notice must be given to owners.

When material shall not be taken.

**Appeal.**

the owner or owners thereof: *provided*, that any party considering himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

**Where road may be constructed.**

**SECTION 11.** The directors shall have power in their discretion, to construct said road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and in such manner as the directors shall determine: *provided*, that on any highway or street the said company do not occupy more than twenty feet in width of said road or street, with their plank or turnpike road as aforesaid; and they may erect toll gates and exact toll from persons traveling on their road, whenever one mile is finished, or when the whole is completed, at a rate not exceeding four (4) cents per mile for all plank road, not exceeding two (2) cents per mile on all turnpike road, for every vehicle, sled, sleigh or carriage drawn by two animals, and one-half the above prices for all vehicles drawn by one animal; the same as last above for a horse and rider or led animal; for each score of sheep four (4) cents, for each score of neat cattle, five (5) cents for each mile of plank road, and two (2) cents for a mile for turnpike road: *provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to and returning from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected in said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll thereon, until it is paid.

**Rates of toll.****When persons exempt from toll.****May be detained.****May receive personal security, &c. in exchange for stock.**

**SECTION 12.** The said directors may receive from any stockholder in such company, in lieu of money for the stock subscribed by him, real or personal security, labor or material for the purposes of constructing such road, subject to the approval of said board of directors.

**Willful injury, to road, &c.**

**SECTION 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 offense, 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 offense 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.

SECTION 14. Any person who shall willfully break down any gate on such road, which may have been erected in pursuance of this act, or forcibly or fraudulently pass any such gate, without having paid the legal toll, or to evade the payment of legal toll, (or) shall with his team or carriage or animal, turn out of such road, or pass any gate thereon or ground adjacent thereto, and again return on said road, shall for each offense forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages. Willful injury to gate.

SECTION 15. This act shall be favorably construed to effect the purposes thereby 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 thereof, and shall take effect from and after its passage, and shall remain in full force and effect for the term of twenty years, at which time it shall cease and become null and void. Act to be favorably construed, &c.

Approved April 4, 1864.

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CHAPTER 448.

[Published May 6, 1864.]

AN ACT to incorporate the La Crosse, Vernon and Richland railroad company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. William J. Lloyd, L. C. McKenney, James Lourie, Charles H. Weil, Ira L. Haseltine, George Kroskouss and Franklin Z. Hicks, and such other persons as may become associated with them as subscribers to the capital stock of this corporation, in the manner hereinafter prescribed, and their successors and assigns, are hereby created a body corporate, by the name Corporators.

Name and powers.