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Sheboygan and Calumet Plank Road Company: Articles of incorporation.

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An Act to incorporate the Sheboygan and Calumet
Plank Road Company.

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

Section 1. Warren Smith, Henry S. Anable, Amos Adams,
O. Fox Crook, A. T. Lyman, Ch. S. Morris, - Ellis, Ch. Greening,
W. Trubee, W. Fowler, Hornd S. Dicks and James Grammer
be, and are hereby appointed commissioners, under the
direction of a majority of whom subscriptions may be
received to the capital stock of the Sheboygan and Calumet
Plank Road Company, and they may cause books to be opened at such
times & places as they shall direct, for the purpose of receiving
subscriptions to the capital of the said company, first giving
thirty days notice of the times and places of receiving subscrip-
tions by publishing in a newspaper printed either in Sheboygan
or Calumet county.

Section 2. All persons who shall become stockholders pursuant to
the provisions of this act are hereby created a body corporate in
law, with continued succession, by the name and style of the
Sheboygan and Calumet Plank Road company, for the
purpose of constructing a plank road from the village of
Sheboygan in the county of Sheboygan, to a point on Lake
Winnebago, in the ~~county~~ town of Manchester, Calumet Co.
where the Plymouth and Manchester State Road terminates
which company shall have power to sue and be sued in all
courts, to receive by gifts or purchase, and hold all such
real and personal estate as may be necessary for the construction

and management of said road, to have and use a common seal, and pass all by-laws necessary for the government of said company.

Section 3. The capital stock of said company shall not exceed One hundred thousand dollars, to be divided into shares of twenty five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

Section 4. When and ten thousand dollars of the capital stock shall be subscribed for and distributed, and ten per cent. paid thereon to said commissioners for the use of said company, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders at such time and place as they shall designate, by giving public notice thereof in a newspaper in either county, through which said road is run, for the purpose of choosing five directors of said company, and the persons there chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall choose one of their number as President of the company, who shall hold his office for one year, and until his successor is elected. At every election of said company each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

Sect 5. The company, when so organized, shall have the right to locate and construct a single, or double track Plank Road between the points mentioned in section [two] of this act or any parts of the distance, and may connect the same with any Plank or other Road. The track of said road shall be

constructed of timber and plank, stone, or partly of each, so as to have a hard, smooth and even surface. The particular manner of building said road to be determined by the said board of directors.

Section 6. The location of said road shall be determined by the board of directors of said company and they shall have power to locate said road or such part thereof as they shall see fit on the line of the Columbus road, and on the line of the Sherman & Menasha State road, and to use and employ said roads or such part thereof, as they shall see fit for the purpose of the road authorized to be built under the provision of this act, and if the same be located on any other public highway, than those above specified, they shall have power to contract with the proper authorities of the town in which said road may be for the right to use such highway for the purposes of said road, and the said authorities are hereby authorized to grant to said company the right to use any such highway in their town as aforesaid on such terms as they may agree upon.

Section 7. If said company shall not, within five years from the passage of this act, commence the construction of said road, then and in that case, it shall be considered a violation of their charter, and all the rights, privileges and powers of said company under this act may be resumed by the State of Wisconsin, and such dispositions made with regard to any portion of said road which may have been constructed, as the Legislature thereof may deem meet and proper, consistent with law and justice.

This section was amended April 17, 1878.
in the proposed form.

Sec^t 8. 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 nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any buildings, or any features for the purposes of trade or manufactures, or any yard or enclosure necessary to the use and enjoyment thereof, with the permission of the owners. And when the said route shall be determined by the 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 ~~adjoining said road~~ to the width of four rods, and also to take from any lands adjoining 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 shall be ascertained as in the manner herein after provided in the case of lands.

Section 9. 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 be located, and the owner or owners of said land shall refuse to permit such entry or occupation, ~~it shall and may be lawful~~ and if the parties can not agree upon the compensation to be made for injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate

who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such persons, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointments within twenty days after requisition for that purpose, upon him made, or if such owners shall be under legal disability, or out of the state, then it shall be lawful for the Judge of the circuit court of the county in which such land lies, on application of either ^{party} and at the costs and charges of said company, to appoint three disinterested persons of the said county to view and examine said lands, and to estimate the injury or damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction, of said road, and report the same under oath or affirmation to the circuit court of said county, which report being confirmed by said court judgment shall be entered therefore. The said viewers shall be entitled to two dollars per day each for their service, to be paid by the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be than the sum thus tendered.

Provided, further, that either party may appeal to the said court.

Provided, that in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company; and it shall be the duty of ~~said~~ ^{the} appraisers estimating such damages, to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road.

Provided, further, that either party may appeal to the said court, within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court. And provided, also, that upon payment of the sum specified in the report of said viewers or appraisers to the owners of said land, 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.

Section 10. The directors of said company may appoint a Secretary, Treasurer, and such other officers as they may deem necessary and shall have power to decide the time and manner and proportions in which stockholders shall pay money due on their respective shares and to forfeit to the use of the company any share or shares held by any person or persons failing to pay any installment so required to be paid after advertisement of the same for a period not less than sixty days, in a news paper as herein provided: Provided, that no installment called in at any one time shall exceed five dollars per. and no installment shall be called in by the directors without giving at least thirty days notice in a newspaper as aforesaid.

Section 11. The directors, elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall

subscribe for, or hold in the said company, signed by the President and countersigned by the Secretary, and sealed with the common seal; subject however, to all payments due and to become due thereon, which stock may be transferable in person or by attorney, executor, administrators, guardians, or trustees, under such regulations as may be provided ^{as} by the laws of the company.

Secy 12. At every annual meeting of the stockholders, for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company for such year; and special meetings of the stockholders may be called by the directors, or any number of the stockholders holding one fourth in amount of capital stock of said company, on like notices as 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.

Secy 13. On the completion of said road, or any portion of the track, not less than five miles, the company may erect one or more toll gates upon their road, but not ~~at~~ at a less distance than two miles apart; and no more than three toll gates shall be erected on any ten consecutive miles of said road; and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for any vehicle drawn by one ~~team~~ or two animals, one cent for every additional animal, for every horse and rider or led horse, one cent per mile for every score of sheep or swine, one cent per mile, and for every score of neat cattle two cents per mile.

Secy 14. If any person shall wilfully and knowingly obstruct, break, or injure, or destroy the road so constructed by said company, or any part thereof, or any works 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 a Court having competent jurisdiction in the county.

Secy 15. 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 manner as is or may be provided by law: Provided, that all debts due said company from such individual shall be first paid.

Secy 16. The debts and liabilities of said corporation shall not exceed in amount at any time fifty percent. of its capital already paid in, and if debts and liabilities shall at any time be incurred to a greater amount, than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law as provided for in this act.

Section 17. The directors of said company may at any time and or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company as may be necessary to complete said road.

Secy 18. That ^{said} company shall abuse the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government.