

[No. 312, A.]

[Published April 9, 1878.]

CHAPTER 315.

AN ACT to authorize the incorporation of street railway companies.

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

Articles of association.

SECTION 1. Any number of persons not less than three, who shall desire to associate for the purpose of constructing, maintaining and operating a street railroad in any city or village, may, for that purpose, make and sign articles of association in which shall be stated the name of the company, the line of the road as contemplated to be constructed or operated, the amount of the capital stock of such company, and the number of shares into which it shall be divided, the names and the places of residence of the directors of the company who shall manage its affairs for the first year and until others shall be chosen in their places, and the number of such directors shall not be less than three nor more than nine. Each subscriber shall subscribe thereto his name, place of residence, and the number of shares he agrees to take. Such articles of association may then be filed in the office of the secretary of state, who shall indorse thereon the date of filing, and shall record the same.

Patent.

SECTION 2. Upon the filing of such articles of association, the governor and secretary of state shall issue to the subscribers a patent under the great seal of the state, signed by the governor and countersigned by the secretary of state, substantially in the following form: To all whom these presents shall come, greeting: Whereas [naming the persons subscribing the articles of association], have filed in the office of the secretary of state certain articles or association, with a view to forming a corporation to be known as [here insert name], with a capital of [here insert amount], for the purpose of constructing and [or] maintaining and operating a street railway in the — cf —, and have complied with the statutes in such case made and provided; therefore, the state of Wisconsin hereby grants unto the above named persons, and their successors and assigns, full authority, by and under their said name of — —, to exercise the powers and privileges of a corporation for the purpose above stated, and in accordance with their said articles of association, and the laws of this state.

In witness whereof these presents have been attested with the great seal and signed by the governor and countersigned by the secretary of state of the state of Wisconsin, at Madison, the — day of —, in the year one thousand eight hundred and —.

[L. S.] ———, Governor.

———, Secretary of State.

SECTION 3. From the issuing of such patent the parties therein named shall, with their successors and assigns, constitute a body politic and corporate, under the name so adopted, and with the powers and subject to the limitations provided in this act. Incorporated.

SECTION 4. Such corporation may sue and be sued, may have a common seal and alter the same at pleasure; may elect in such manner as they shall determine, all necessary officers; may fix their compensation, and define their duties; may ordain and establish by-laws, and alter and repeal the same; may employ such agents, servants and laborers as they shall think proper, and may acquire and hold in fee, or otherwise, such property, real or personal, as shall be necessary in executing the purposes of such corporation. Corporate powers.

SECTION 5. After the issuing of such patent, any two of the corporators may call a first meeting of the corporators, by giving five days' notice to each corporator of the time and place of such meeting: *provided*, that such notice may be dispensed with, if all the corporators shall be present at the first meeting, either in person or by attorney. Until a board of directors shall be elected, the persons named in the patent shall be directors of the corporation. First meeting.

SECTION 6. The stock, property, affairs and business of such corporation shall be under the care of, and shall be managed by not less than three directors, who shall be chosen by the stockholders annually. But their term of office may be fixed at three years, in which case one-third of the number shall be annually elected. Each stockholder shall have one vote for each share of stock owned by him; and each director shall continue in office until his successor shall be elected. In case of the death, resignation or other disability of any director, the vacancy so created shall be filled by the remaining directors. Directors.

SECTION 7. The directors shall choose one of their number president, and he and the other officers shall hold their offices one year, and until their successors shall be elected. President.

SECTION 8. The corporation shall not be dissolved Not dissolved by failure.

by any failure to elect directors at the annual meeting, but such election may be held at any time thereafter, by giving such notice as may be required by the by-laws.

By-laws.

SECTION 9. The stockholders may enact such by-laws for the control of the board of directors as they shall see fit, and may alter and repeal the same at pleasure. Stockholders may appear and vote in person, or by proxy filed with the secretary of the company. A majority of the directors shall constitute a quorum for the transaction of business. Any director or stockholder, upon request of holders of one-fourth of the stock, may call a meeting of the stockholders by giving them ten days' notice of the time and place of such meeting, in such manner as the by-laws may provide.

Subscriptions.

SECTION 10. The directors may call in the subscriptions to the capital stock of such corporation by installments, in such proportion and at such times as they shall think proper, and may enforce payment thereof, after such period of time as the by-laws may prescribe, by suit, in the name of the corporation, or by forfeiting the stock on which such installments shall be payable, after sixty days' notice of such intended forfeiture to such delinquent subscriber.

Convey, etc.

SECTION 11. Such corporation may sell, convey, assign, mortgage or otherwise transfer its property, real and personal.

Increase of capital stock.

SECTION 12. Such corporation may, at any meeting of its stockholders, called for that purpose, and notified thereof, and with the concurrence of the owners of two-thirds of all the stock then outstanding, by amending its articles of association, increase the amount of its capital stock, change its name, extend or change the line of its road, or shorten the same. It shall be the duty of the president and secretary of such corporation to make a certificate, over their signatures and the corporate seal, fully setting forth such amendment, and the vote by which it is adopted, and to cause such certificate to be filed and recorded in the office of secretary of state, and thereupon it shall be the duty of the governor and the secretary of state, if it appear from such certificate that the requirements of this section have been complied with, to issue to such corporation a new patent, substantially in the form hereinabove prescribed, containing such amendment, and referring to the articles so amended. Upon the issuing of such new patent, the corporation shall be authorized to exercise all the rights and powers comprised within the articles of association thus amended.

SECTION 13. Any municipal corporation within this state is hereby authorized to grant such use as it shall deem proper of any street or streets within its limits, subject to the rights of any owner or owners of lots or lands adjoining or abutting thereon, to any street railway company, organized under the laws of this state, for the purpose of establishing and maintaining a single or double track of iron rail, and running cars thereon, along and upon such streets. Such grant may include the right to lay and maintain in, along and upon any such street or streets, a single or double track, with all necessary curves, turnouts and switches, in the customary style of constructing street railways of the first class, and to equip the same with any number of passenger cars or vehicles, such grant to be made by the common council of such municipal corporation upon such terms and conditions as it may impose, and with such provisions as may be necessary reasonably to secure the objects of such grant. Such cars shall be propelled by animal power, except in cases when the municipal corporation shall expressly grant the right to use steam as a motive power.

Use of streets authorized.

Motive power.

SECTION 14. Any street railroad company, which has been organized under any law of this state or which may be organized under this act for the purpose of constructing a street railroad within the limits of any municipal corporation, is hereby authorized to construct, maintain and operate such road according to the terms and conditions of the authority which has been or may hereafter be granted to it by such municipal corporation, and is hereby authorized to extend such railroad to any point or points adjoining such municipal corporation, and to enable any such street railroad company to construct and extend its road into a town adjoining such municipal corporation; such street railway company is hereby authorized, with the consent of a majority of the supervisors of such town, to lay down and maintain the track of its railway in such adjoining town; but such railway company shall construct such railroad in such manner as not to obstruct the common travel of the public over the same.

Extensions authorized.

SECTION 15. Any street railroad company which may be constructed under the provisions of this act shall be constructed upon the most approved plan for the construction of city railroads, and shall be run as often as the convenience of passengers shall require, with due reference to the pecuniary profits of carrying them, and shall be subject to such reasonable rules and regula-

How constructed.

tions in respect thereto, as the common council of the city in which such railroad shall be constructed may from time to time, by ordinances, prescribe, and to the payment of such license fee to the city in which such road may be constructed, for each and every car run thereon, as may be prescribed by the common council of such city.

Legalized.

SECTION 16. Any grant or grants heretofore made by any municipal corporation (and not yet repealed or rescinded) or which may be hereafter made, of the use of any street or streets therein, to any street railroad company hereafter organized, or which may be hereafter organized, for the purpose of constructing or maintaining and operating a street railroad, are hereby declared valid and binding upon such municipal corporation, and all obligations imposed by the terms of such grant or grants upon any such street railway company, or by them assumed as a condition, or in consideration of such grant or grants, shall, if such grant or grants be accepted by such company, be, in like manner, fully binding upon such company.

Privileges and powers.

SECTION 17. Any company heretofore incorporated under any law of this state, for the purpose of constructing or maintaining and operating a street railroad, shall be entitled to all the privileges and powers conferred by this act upon such corporation.

SECTION 18. This act shall be in force from and after its passage and publication.

Approved March 20, 1878.

[No. 291, A.]

[Published April 6, 1878.]

CHAPTER 316.

AN ACT to define the liabilities of railroad companies in relation to wages due their employes.

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

Accrued wages of laborers to be paid.

SECTION 1. Whenever any railway company in this state shall be placed by any court of this state in the hands of a receiver, whether upon foreclosure or creditors' bill, it shall be the duty of such receiver to report immediately, to the court so appointing him, the amount due by said railroad company, or by the person or persons who were operating said road at the