

ployed by said company, at the time of making such affidavit and the tax herein authorised, shall be assessed upon the amount stated in the affidavit.

APPROVED, Jan. 18, 1836.

AN ACT to incorporate the Beardstown and Sangamon Canal Company. In force, Dec. 28, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Company in-
represented in the General Assembly, That Archibald Job, Francis Arenz, Thomas Wilbourn and Benjamin Sutton, of Morgan county; and John Taylor and Charles Bradwell, of Sangamon county, and all such persons as shall become stockholders, agreeably to the provisions of this act, are hereby constituted a body corporate, by the name of the "Beardstown and Sangamon Canal Company;" and shall continue for the term of fifty years, from and after the passage of this act. corporated.

SEC. 2. The corporation shall have the right and power to construct, and during its existence, to maintain and continue, a canal from Beardstown, on the Illinois river, to a point in township number nineteen north, of range number seven west, on the Sangamon river; from thence to improve the waters of said river, by canal or otherwise, through Sangamon county, into Macon county, as shall or may be agreed on by said company, to transport, take and carry, persons and property on the same; to have, hold, use, and enjoy the same, and the tolls and profits thereof, for and during the period aforesaid. Nature and powers of the
incorporation.

SEC. 3. The capital stock of said company shall be three hundred thousand dollars, with liberty to increase the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such increase shall be deemed necessary by the company, to fulfil the intent of this act;—which said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall direct. Capital stock.

SEC. 4. That Archibald Job, James Arenz, Thomas Wilbourn, Thomas Beard, Benjamin Sutton, Allen F. Lindsey, John Taylor and Charles Broadwell, are hereby appointed commissioners, the duty of whom, or a majority of them, shall be, within one year after the passage of this act, to open books, at some suitable place in Beardstown, Spring- Commissioners
to open books
for subscription
for stock.

field and Decatur to receive subscriptions to the capital stock of said corporation, and to do such other things as in their opinion is best calculated to get stock taken: thirty days public notice shall be given by said commissioners of the time and place of the opening of said books, in one or more of the public newspapers in each of the said places. The said commissioners shall receive no subscriptions, unless five dollars on each share subscribed, be paid at the time of subscription; and as soon as the whole of the stock, or twenty-five thousand dollars thereof, shall be subscribed, to give a like notice for a meeting of the stockholders, to choose five directors; and such election shall then and there be made, by such stockholders as may attend, either in person or by proxy; and persons having the highest number of votes, shall be duly elected: each share of capital stock, owned ten days previous to an election, shall entitle the owner to one vote. The commissioners who receive subscriptions of stock, shall be inspectors of the first election, and shall certify under their hands and seals, the names of those elected directors, and deliver over the moneys, books and papers to said directors. The first meeting of the directors shall be held at Beardstown, within ten days after the election.

Directors, election of.

Books may be re-opened, if necessary.

SEC. 5. That in case the capital stock in whole, or twenty-five thousand dollars thereof, shall not have been subscribed, at the places named in the foregoing section, after the books have been kept open ten days, then the said commissioners shall be authorized to re-open said books for the subscription of stock, at such times and places, and in such manner, and after such notice, and under the direction of one or more, as a majority of them shall direct. And in case a greater amount of capital stock shall be subscribed for, than necessary for a construction of the whole, or such part of the canal as the directors shall designate, the excess shall be taken from each subscriber, in proportion to the amount subscribed.

Directors to choose, a president.

SEC. 6. At the first meeting of the directors after an election, they shall choose one of their own body as president; and the directors first elected, shall continue in office until the first Monday in June, next after their election, and until others are chosen: and elections shall be held annually thereafter, on the first Monday in June, at such place as the directors shall designate. Each subsequent election shall be held under the direction of three stockholders, not being directors, who shall previously be appointed for that purpose, by the directors. All elections shall be by ballot. No person shall be a director, who shall not at the time of the election, own one hundred dollars of stock. In case

an equal number of votes shall at any time be given for two or more persons for director, those having a plurality of votes shall determine, by ballot, who shall be entitled to the office.

SEC. 7. In case it shall at any time happen, that no election shall be held for directors, at the time required by this act, the said corporation shall not thereby be dissolved; but the directors in office shall continue until successors are elected.

SEC. 8. The said directors shall cause such examinations and surveys to be made, as may be necessary to the selection by them, of the most advantageous line, course, or way for the said canal, from Beardstown to such point or place on the Sangamon river, as they shall designate, for the termination of the same; and shall locate the same on the most advantageous route; and after such location, shall make a map thereof, and certify under their hands and seals, upon such map, the courses and distances of the route selected, describing the land through which it passes, and file one copy of such map and certificate with the recorder of each county through which said canal is intended to pass: and the said company shall be authorised to construct and make the said canal on the route so located. To be surveyed

SEC. 9. The said corporation shall have power to purchase, receive and hold, such real estate as may be necessary and useful in the accomplishment of the objects of its creation; and shall be authorised to have and hold, any and all lands which may be given, granted or donated to the same, by the United States, or by any person, or body politic, and to sell and convey the same. It shall also be authorised to enter upon, and use any and all lands, over and upon which the said canal may pass, and so much of said land as may be necessary to the construction of the canal, and the convenient use and enjoyment of the same; also to take and use timber, stone, and such other materials as may be indispensable to the construction and maintenance of said canal; *Provided*, That said company shall pay to the owner Purchase and hold real estate or owners of land, entered upon and used as aforesaid, the damages sustained by such owner or owners; and also the owner or owners of timber, stone, and materials, the value thereof, before entering upon and taking the same. And if said company and owner or owners, shall be unable to agree upon the damages sustained by the entering upon and using land and real estate, or the value of timber, stone and materials, such damage, or the value of materials aforesaid, shall be ascertained under, and according to the provisions of the act, entitled "An act concerning the right of way, and for other purposes," approved 28th February, 1833. Proviso.

May use the
Sangamon river

Proviso.

SEC. 10. The said company shall be authorised to use the waters of the Sangamon river, to supply the canal, or otherwise; and to make such dams or locks as may be necessary to procure a sufficient quantity of water for the use of the canal, or otherwise; *Provided*, No dam or lock shall be constructed across said river, as to injure the navigation thereof; *And Provided, also*, That said company shall be responsible for all damages sustained by the overflowing of any lands, by the owner thereof; and also for all damages sustained by the making dams or locks upon the land of any person or persons, whatsoever. In case the said canal shall cross any water course, or public road, the same shall be so constructed as not to injure the use of such water course, or road.

Duties of presi-
dent and direct-
ors.

Payment of
stock

SEC. 11. The directors of said company shall have power to transact all the business of said corporation, and to this end may appoint such agents, clerks and servants, engineers, and other persons, as may be deemed necessary to attend to, and manage the business of the company. They shall also have power to prescribe all such rules, and to adopt all such bye-laws, touching the management and disposition of the stock, property, and estate of the company, and touching the conduct and duties of all persons employed by the company, as may be necessary, and not inconsistent with law. They shall also have power to require payment by the stockholders, of the stock subscribed, at such times, and in such proportions, as the same may be needed in the construction of the canal, or for any other purpose authorised by this act; and shall, from time to time, give public notice of the payments thus required, and of the time and place of payment, in some newspapers published in Morgan and Sangamon counties, Illinois, and such other papers as may be selected—such notices to be published at least four weeks previous to the day appointed for such payment. And the directors are authorised, in case any stockholder shall fail to make payment as required, to cause the stock of such stockholders to be sold at public auction, and apply the proceeds of such sale, to such payment, or to provide for the forfeiture of such stock to the company.

Quorum.

SEC. 12. A majority of the board of directors shall constitute a quorum to do business; and shall have, and exercise all the powers conferred upon the company; *Provided*, That the directors may, by their bye-laws, require the presence of all the directors, on the transaction of such business, as the directors may think should require such presence. The said company is hereby declared able, and capable in law, to sue and be sued, to plead and be impleaded, in all courts of law, and in chancery; to contract and be contracted with, as fully and completely as a natural person.

SEC. 13. The state, or the counties through which the said canal shall pass, at any time after ten years shall have elapsed, from the completion of said canal, have the privilege of purchasing the same, by paying said company the original cost, together with any deficiencies which have accrued by a failure of said canal to produce twelve per cent. per annum, from the time of its completion, upon the original cost.

State, or counties through which canal passes, may purchase it.

SEC. 14. The canal to be constructed by said company, shall be of sufficient width and depth, to admit the passage of canal boats of the ordinary kind; and the company shall be responsible for all accidents and delays, occasioned by the negligence or inattendance of any of its agents. Said company shall also permit all persons to pass upon said canal with boats, persons and property, whenever the same is passable, upon payment of such tolls as may be fixed upon by the directors; *Provided*, That the tolls shall be uniform.

Dimensions.

SEC. 15. If any person or persons shall wilfully, or negligently, do or cause to be done, any act or acts whatsoever, whereby any building, construction, or work of the said corporation, or any boat or other things pertaining to the same, shall be weakened, impaired, or destroyed, every such person shall forfeit and pay to said corporation treble the amount of damages sustained, to be recovered by action of debt, in the name of said corporation, in any court, or before any justice of the peace, having jurisdiction thereof, with costs of suit; and such person or persons shall also be subject to indictment, and punishment by fine or imprisonment.

Obstructing said canal.

SEC. 16. Unless the said corporation shall commence the construction of said canal within three years from the passage of this act, and complete so much thereof as lies within the county of Morgan, within six years, the powers and privileges hereby conferred, shall cease, and the said corporation shall be dissolved.

When to be commenced and completed.

SEC. 17. The mode of suing said corporation, shall be by summons, and a copy of the summons delivered to the president of the board, the secretary, or treasurer, shall be sufficient service of process, to require the corporation to answer, and to authorise any court to proceed to judgment.

Mode of suing.

APPROVED, Dec. 28, 1835.