

Sec<sup>d</sup> Be it enacted by the people of the State  
of Illinois represented in the General Assembly.  
That John Williams James Bell and George  
Froquerod pr<sup>o</sup>prietor of Vandalia County John St Marphy, Samuel McRoberts  
George W. Castley, Matthew Stacy James Wilton and  
Lewis Harlan of Morgan County, Joseph T. Holmes  
Edward L. Dawson & John M. Hadden of Adams Co.  
and all such other persons as shall become stockholders agreeably  
to the provisions of this act in the corporation hereby created  
shall be and continue for the space of sixty years from  
the passage of this act, a body corporate and politic by  
the name of the Wabash and Mississippi Rail road  
Company.

Sec. 3.

The said Corporation shall have the right to construct,  
and during its existence to maintain and continue, a Rail  
Road or Rail Roads with a single or double track,  
with all such appurtegments as may be deemed necessary,  
for the convenient use of the same, and to transport  
luggage and convey, persons, and property of every kind  
upon the same, by the power and force of Steam, animals  
or any mechanical or other power, or any combination of  
them, which the said Corporation may choose to  
employ for and during the term of Sixty years,  
from the passage of this act.

Sec. 4. Said Rail Road shall commence at a point on the  
State line between the States of Indiana and Illinoi  
to be selected by the Directors, where a direct line  
from Danville either to Lafayette, Covington or Perryville

crosses Said State Line, thence to the Town of Danville in Vermillion County, thence to Decatur in Macon County, thence to Springfield in Sangamon County, thence to Jacksonville in Morgan County, thence to Mexidossia in Said County, <sup>thence to Mount Sterling in Scioto County</sup> thence to Quincy in Adams County.

Sec 4.

If the said Corporation hereby created shall not within four years from the passage of this act, commence the construction of said Rail Road or way, and within that time expend thereon at least the sum of Twenty Thousand Dollars, and shall not within Ten years from the passage of this act, construct finish and put in operation said Single or double Track Rail Road over at least one half the distance prescribed in the second section hereof, then the said Corporation shall forever, <sup>cease</sup> and this act, shall be null & void.

Sec 5.

The capital stock of said corporation shall be three millions of dollars, with liberty for said company if they shall deem it necessary to increase the same, to five millions, which shall be divided into shares of fifty dollars each and which shall be transferable in such manner as said corporation may direct, and the same shall be deemed personal property.

Sec 6.

That James Bell, Robert Irvin, & Thomas Vaughan, John H. Murphy, Saml McRoberts George W. Cassady, shall be commissioners, the duty of whom or a majority of them shall be at some suitable place in the Cities

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of New York and Philadelphia & St Louis Buffalo and  
in the Towns of Alton Quincy Jacksonville Springfield  
and Danville Illinois at all or any of said places to  
open Books to receive Subscriptions to the Capital  
Stock of said Corporation, and to do such other  
things as in their opinion is best calculated to  
have said Stock taken up and Subscribed for  
Sixty days public notice shall be given by said  
Commissioners of the time and place of the  
opening of said Books in one of the public  
New papers in each of said places, And the said  
Commissioners shall at the time of any Subscription  
by any Person or Persons for the capital Stock of  
said corporation require the payment to them by the  
Person or Persons Subscribing of five Dollars towards  
and upon every Fifty Dollars so subscribed, And  
unless the same shall be paid the Subscription shall  
be invalid, And in case a greater amount of capital  
Stock shall be Subscribed for than the sum of  
three Millions of Dollars, The said Commissioners  
shall distribute and graduate the Stock in such  
Manner as a majority of them shall deem most  
advantageous to the interest of the Corporation,  
but in case the capital Stock shall not be Subscri-  
bed for, then the said Commissioners shall be and  
are hereby authorized to re-open said books at such  
times and places and in such manner and after  
such notice as they or a majority of them shall  
direct,

Sec. 7. That whenever the Said Capital Stock shall have been Subscribed for and and Distribution made as aforesaid. It Shall be the duty of said Commissioners, to give Thirty days notice in one of the public Newspapers printed in each of the towns above named for a meeting of the stockholders of Said Corporation to meet at the Town of Springfield to choose Seven Directors. And Said Notice shall specify the time of holding Said Meeting, and such election shall then and there be made by such of the stockholders as shall attend for that purpose either in person or by Lawful proxy.

Sec. 8. That each Share of the Capital Stock owned ten days previous to any day of election for directors. Shall entitle the owner and holder to one vote either personally or by proxy. And the said Commissioners Shall be inspectors of the first election of Directors of said company. and shall certify under their hands the names of those duly elected, and deliver over the Subscriptions money books and papers, to said Directors and the time and place of holding the first meeting of Directors shall be fixed by said Commissioners.

Sec. 9. The said Directors Shall cause such examinations and Surveys for the said Rail Road to be made as may be necessary to the selection by them of the most advantageous line course or way for the said Road on the route set forth in the Third section of this act.

and make a Report, Signed by at least a  
majority of them, one of which they shall  
deliver to the Commissioner Superintendent  
or other authorized person or persons, requiring  
Said view and affidavit and the other to the  
Justice of the Peace by whom they were sworn  
and the amount of Damages and Costs thus  
affirmed being paid to the owner or owners, or  
deposited with the Justice of the Peace aforesaid  
the Road may be constructed and located on  
Said Land, and the Materials aforesaid be taken.  
If either party shall be dissatisfied with the  
valuation, where Lands are in question an appeal  
<sup>be had</sup> may be made to the Circuit Court of Admiralty in which  
the Lands may lie, by Petition setting forth the  
facts of the case describing the Land and  
premises and the necessity of such Land for  
making Said Rail Road and the attempt and  
failure to purchase the same with the name and  
Residence of the owner or owners of the same  
and the reasons why the purchase cannot be  
made, and the Circuit Court of record acting and  
sitting as a Court of Chancery, shall direct such  
Notice to the owner and parties as shall be  
deemed reasonable of the time and hearing of  
the parties, Provided, That in case the  
appellee shall have had five days previous  
notice in writing of the taking of the appeal  
no further notice shall be necessary, but Said  
Court shall proceed to hear and determine Said

Government, or by any corporation company  
individual or individuals to aid in the Construc-  
tion Maintenance and accommodation of the  
said Rail Road, completely vesting in Said  
company & corporation absolutely in Fee Simple  
the said, But all Lands and Real Estate thus  
extending upon for materials or otherwise  
which are not donated, or owned by the  
Company Shall be purchased by the Said  
corporation of the owner, or owners, thereof  
at a price to be agreed on mutually by the  
Company and the owner or owners, in case of  
a disagreement as to price and before the  
taking of any materials or making of any  
part of said Road on said Land in controversy  
it Shall be lawful for the Commissioners Super-  
intendent or other authorized person or  
persons of said Company, to apply to some Justice  
of the peace of the County in which said Lands  
or materials may be situated, who shall cause  
five freeholders to be Summoned, who after  
being duly sworn faithfully and impartially  
to examine the ground or materials to be  
pointed out to them by the Commissioner  
Superintendent or other authorized person or  
persons, and reasonable notice having been given  
to the owner or owners of the property, said  
freeholders shall offset the damages which such  
owner or owners will sustain over and above  
the additional value which such Land will  
derive from the Construction of such Road

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And the Said Directors shall after such examinations  
and surveys, shall be made, select and by certificates  
under their hands and seals designate the line or  
course or way which they at a majority of them  
shall deem most advantageous for the Said  
Rail road, one Report of said Survey with  
Courses and distances with a certificate annexed  
thereto shall be filed in the office of the Secretary  
of State, and a copy thereof presented to the  
Recorder of each County through which said road  
shall pass, and be recorded filed & preserved  
which line, course or way so selected, certified,  
filed, and recorded, shall be deemed the line  
course or way on which the Said Corporation  
shall construct erect ~~erect~~ build or make the  
Rail Road as heretofore mentioned,

Sec. 10. The first Directors to be chosen shall hold their  
offices until the first Monday in December, in the  
year next succeeding their elections and until others  
shall be chosen, and every election of Directors  
thereafter shall be held annually at Springfield on  
the first Monday of December, in each and every  
year. Notice of the same being first given twenty  
days thence in a Public Newspaper printed in each  
of the Towns of Quincy Alton Jacksonville Springfield  
and Darien. Every election shall be held under the  
inspection of three Stockholders not being Directors  
who shall be previously appointed by the board of  
Directors. All elections shall be determined by  
Ballot and a plurality of the votes given shall  
constitute a choice. No Stockholder shall be

Eligible to the office of Director unless he shall own Stock to the amount of Ten Shares. In case an equal number of votes should begin for any two or more for Directors, the Remainder of the Directors chosen, shall by Ballot determine who shall be entitled to a seat at the Board

Sec 11.

In Case it should at any time happen that an election of Directors shall not be made on any day when pursuant to this act it ought to have been made the said Corporation shall not for that cause be dissolved, but such election may be held at any other time directed by the By Laws of said Corporation within Sixty days after the day on which it should have been held

Sec 12.

The said Corporation is hereby empowered, to purchase receive and hold such Real estate as may be necessary and convenient for the accomplishing the objects for which this act of Incorporation is granted and may by their Agents, Surveyors and engineers enter upon and take possession of and use all such Lands and Real estate and Materials as may be indispensable for the construction and maintenance of their Rail Road or track way, and accommodations and appurtenances required and pertaining thereto, and may also receive, hold and take all such voluntary grants and donations of Land and Real Estate, and Materials for the purposes of said Rail Road as shall be made to the said Corporation by the General or State

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Last aforesaid whose award in writing in the  
premises shall be final and who shall  
apportion the costs among or between the  
parties, as to them may seem just and proper.

Sec. 13.

In case any minor woman infant ediot or minor  
Person or any non Resident of the State who shall not  
appear after such notice shall be interested in any such  
Land or Real estate, the circuit Court or Justice of the  
Peace shall appoint same competent and suitable  
Person to appear before said commissioners or said  
circuit court and act for and in behalf of such  
minor woman infant minor Person ediot; or  
non Resident of the State.

Sec. 14.

The said corporation is hereby authorized and  
empowered to regulate the time and manner in  
which goods passengers and property shall be  
transported taking and carried on said Railroad  
and shall have power to erect and maintain toll  
houses and other buildings necessary for the  
accommodation of their concerns, and from time to  
time to fix regulate demand and receive the tolls  
and charges by them to be received for the transporta-  
tion of property and persons on the single or  
double Railroad, or ways aforesaid.

Sec. 15.

If any person shall wilfully do or cause to be  
done any act or acts, whatever whereby any building  
construction or work of the said corporation or

case as speedily as practicable and upon proof  
of the service of notice of the appeal and upon  
hearing the testimony of the parties which may be taken  
orally or by depositions it shall make such order  
and decree in the premises as to it may deem proper  
and equitable and may either increase or diminish  
the amount of damages or reject said  
Petition altogether and shall also make such order  
for the payment of costs as may be just and  
proper. Said Court shall also order a conveyance  
of the land in controversy to be made when the  
Decree shall be complied with on the part of  
the corporation, whenever said order and decree  
shall be fully complied with on the part and  
behalf of said corporation it shall be possessed  
of the land in controversy and may enter upon  
and take possession of and use the same for  
the purposes of said Road, where a difficulty  
shall arise as to the value of materials which  
may be needed to construct said work or the  
amount of damages done to lands by the  
agents of the Company passing through said  
land in collecting materials of foresaid there  
shall be no appeal taken to the Circuit Court but  
in case the parties or either of them shall be  
dissatisfied and it shall appear to the Justice  
that it is right and necessary to Justice he  
may set aside the first valuation provided  
the same shall be done in three days after said  
valuation and appoint five other Commissioners  
to appraise & value the materials or damages -

or any engine machine or structure or any matter or thing appertaining to the same shall be stopped obstructed impeded weakened injured or destroyed the person or persons so offending shall be deemed guilty of Misdemeanor and shall forfeit and pay to said corporation trouble the amount of damages sustained by means of such offence or injury to be recovered in the name of said corporation with costs of suit by action of debt and shall be subject to judgment and punishment for high crimes and misdemeanors as in other cases —

Sect 16 —

All the officers and agents necessary to carry on and superintend the interest of the corporation shall be appointed or elected, and continue in office as the Directors shall point out and determine in the by Laws and general regulations of the company and shall be lawful for the Directors to require payment of the sums to be subscribed to the capital stock at such times and in such proportions and on such conditions as they shall deem fit and right under the penalty of the forfeiture of all previous payments thereon and shall give notice of the payment thus required and of the place and time when and where the same are to be paid at least Thirty Days previous to the payment of the same in a public newspaper printed in Alton Quincy Jacksonville Springfield and Danville —

Sect 17 — whenever it shall be necessary for the construction of this single or double Railway to intersect or cross any Stream of water or any Road

or highway it shall be lawful for the corporation to construct across or upon the same but the corporation shall restore the stream or water course or road or highway thus intersected to its former station in a sufficient manner not to impair its usefulness -

Sec. 18. - All persons who shall become holders of the capital stock of said incorporation pursuant to this act shall and are hereby constituted a body corporate by the name of the President Directors and Company of the Wabash and Mississippi Rail Road, and by that name shall be competent to contract and be contractor contract and be contracted with sue and be sued a plead and be impleaded; answer and be answered unto defend and be defended, in all courts having competent jurisdiction may have and use a common seal and the same alter break change and renew at pleasure, and may also make or draw and establish and put in execution such by laws ordinances rules and regulations as shall be necessary for the government of said corporation and the prudent and efficient management of its concerns, and it shall be sufficient service of any process against said corporation to serve the same either on the President of the Board of Directors or the Secretary of the Company, and in case of their absence, to leave a copy of the same at the office of said Secretary.

Dec<sup>19</sup> The whole of the stock of said Company shall be deemed personal property and together with all the tools implements machinery apparatus of every description used or employed or on hand belonging to the company shall be liable to be seized executed and sold after judgment to make good any contract agreement or stipulation made by any agent superintendent or other authority Person.

Sec<sup>20</sup> That when said Rail Road shall be completed the President and directors shall make out a minute full and detailed statement of the expenses of constructing the same which report shall be under the oaths of the President and Directors and shall be filed in the Secretary's office of this state and from thenceforth shall annually make a report in detail of their proceedings and expenditures and all tolls received on said Rail Road verified by affidavit and file the same in the office of the Secretary of State

Sec<sup>21</sup>

That the directors shall as soon as may be after every election choose out of their own number one President and one other person to be vice President and fix their salaries and in case of the death resignation or removal of the President vice President or of any director such vacancy or vacancies may be filled for the remainder of the year by the Board of Directors and in case of the absence of the President or vice President shall

have power to appoint a President pro tem  
Sec 22.

It Shall be Lawful for any Rail Road Company  
which heretofore has or hereafter may be incorpo-  
rated, to join or unite with the Rail Road hereby  
created and incorporated at any point at which  
the directors of Said Companies may think advisable  
on such terms, as the Directors of the two Companies  
may think advisable and agree upon and in  
case of a disagreement between the Directors  
of Said Companies then upon such terms as the  
Circuit Court of the County, When Said Road  
May meet upon a full view and hearing of all  
the facts connected with the case may determine  
to be equitable and just between Said Companies.

Sec 23.

The Said Directors when chosen as aforesaid Shall  
have power and are hereby authorized to construct  
either the whole or any part or parts of Said Rail  
Road and between any of the points designated  
as aforesaid in the discretion of Said Directors  
and as they may determine most advantageous  
to the interest of Said Company - Provided they  
Shall complete one half of the whole of Said Rail  
Road as required in the forth Section of this Bill.

Lapell H. R. Decr. 15. 1835

S. Lickett clk H. R.  
C. " C.

Amendments to the Bill

Insert in the 6<sup>th</sup> line of the first Section after the word County the following

Robert H. Burton, James McCroskey, and Edward Doyle  
of Schuyler County

Strike out the following in the latter part of the third section after the words Lawrence County  
~~the city~~ thence to (to wit) Lucksonville in Morgan County County thence to Meridensia & in said County

And insert in lieu thereof the following  
& Bearclstown in Morgan County thence to Rushville.

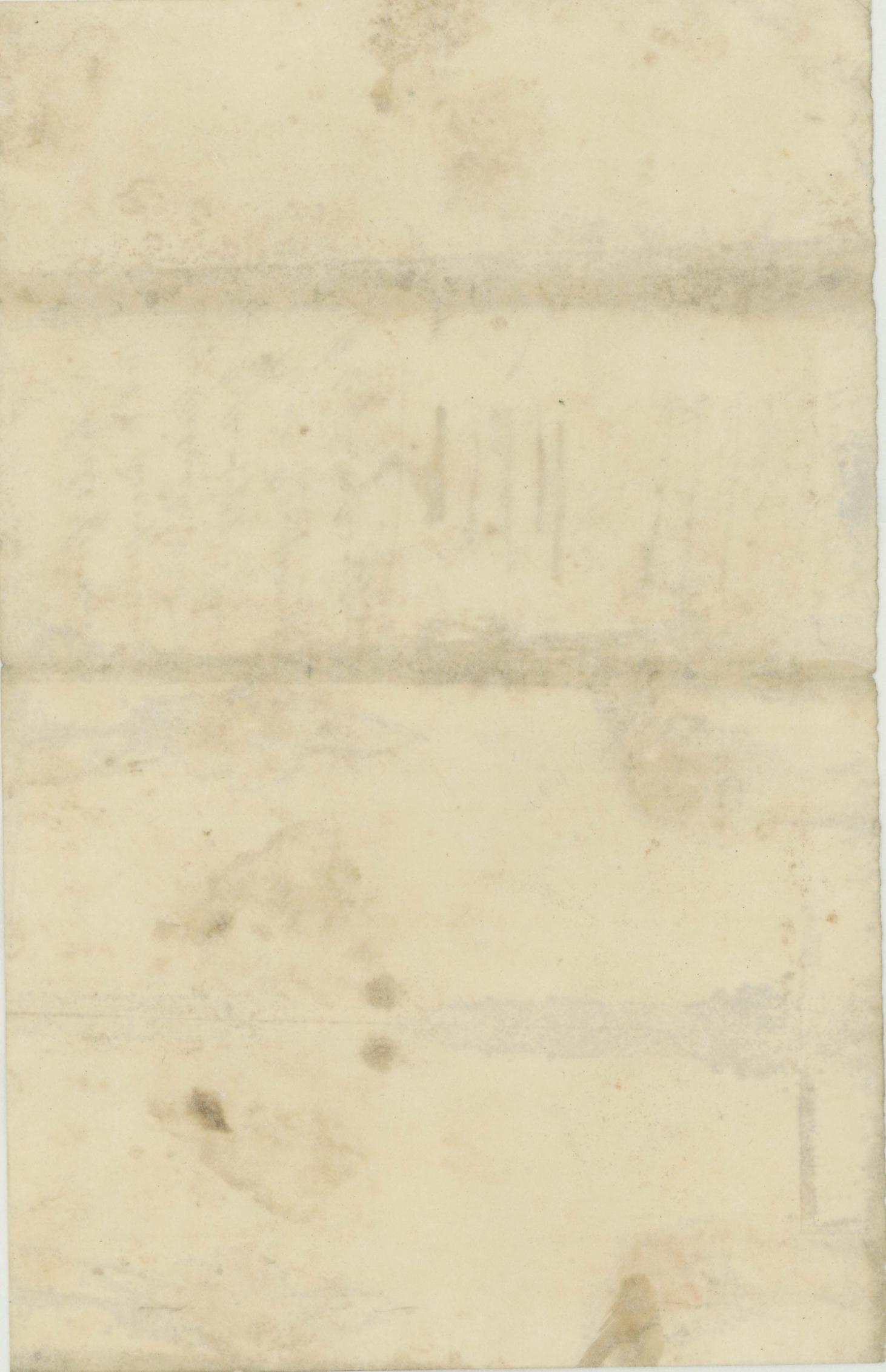
Insert after Springfield in the 6<sup>th</sup> line of the 6<sup>th</sup> Section, Bushville

Insert after the word Springfield in the 9<sup>th</sup> line of the 10<sup>th</sup> Section, Bushville

Insert the word Bushville after the word Springfield in the last line of the 16<sup>th</sup> Sect.

<sup>and</sup> offered by com<sup>to</sup> & not concurred in

Watson &  
Wright  
and now  
Amendment



A Bill for an  
Act to incorporate  
the Arkansas and  
Mississippi Rail  
Road Company.  
to be Exclusively  
for the purpose of  
carrying passengers  
and merchandise  
from the  
Arkansas River  
to the Mississippi  
River.