

In force 15th  
Jan., 1836.

*AN ACT to incorporate the Wabash and Mississippi Rail Road Company.*

Company in-  
corporated

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Williams, James Bell, William Carpenter and William Craig of Sangamon County, John H. Murphy, Samuel McRoberts, Geo. W. Cassedy of Vermillion county; Matthew Stacy, James Tiltan and Levi Harlan of Morgan county; Joseph T. Holmes, Edward L. Pearson and John W. McFadden of Adams county; 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."

To continue 60  
years.

To construct a  
Rail Road.

SEC. 2. 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 appendages, as may be deemed necessary, for the convenient use of the same; and to transport, take and carry, 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.

Commencement

SEC. 3. Said Rail Road shall commence at a point on the State line between the States of Indiana and Illinois, 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 Meredocia in said county, thence to Mount Sterling in Schuyler county, thence to Clayton, and thence to Quincy in Adams county; *Provided*, that said company shall unite and connect, their said Rail Road with the Rail Road authorised to be constructed from Jacksonville to Meredocia by the "Jacksonville and Meredocia Rail Road Company," at Jacksonville, upon such terms and at such place as may be agreed on by the Companies; and in case of disagreement, as to the place or terms, as the Judge of the Circuit Court of Morgan county shall decide, upon a hearing of all the facts; whose decision shall be final and conclusive; *Provided* further, that said companies may refer such disagreement to arbitrators, mutually agreed on, in which case, the award of the Arbitrators, shall be conclusive upon the parties: And it is further provided, that the

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company hereby incorporated, shall not have the right to construct any Rail road, from Jacksonville to Meredocia, except upon the condition, that the Jacksonville and Meredocia Rail Road company shall consent thereto; or shall surrender, or forfeit their charter.

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 third section hereof; then the said corporation shall forever cease, and this Act shall be null and void.

SEC. 5. The Capital Stock of said Corporation, shall be three million 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.

Capital stock may be increased.

SEC. 6. That James Bell, Robert Irvin, Thomas Houghan, John H. Murphy, Samuel McRoberts, and George W. Cassedy shall be commissioners, the duty of whom or a majority of them, shall be, at some suitable place in the cities of New York and Philadelphia, and 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 opening of said books, in one of the public newspapers, and the said commissioners in each of said places, shall, at the time of any subscriptions 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 interests of the Corporation; but in case the Capital Stock shall not be subscribed for, then the said Commissioners shall be, and are hereby authorized to re-open said books

Commissioners to open books for subscription for stock.

Stock to be graduated.

at such times and places, and in such manner, and after such notice as they, or a majority of them shall direct.

Manner in which Directors shall be chosen. SEC. 7. That whenever the said Capital Stock shall have been subscribed for, 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 for said Company and shall certify, under their hands, the names of those duly elected, and deliver over the subscription, 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.

Examination and surveys

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 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, or 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 and preserved, which line, course or way, so selected, filed and recorded, shall, be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the Rail Road as heretofore mentioned.

Term of office.

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 in December in each and every year, notice of the same being first given twenty days thereto, in a public newspaper, printed in each of the towns of Quincy, Alton, Jacksonville, Springfield

and Danville—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 be given, 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 in 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 object 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 trackway, and accommodations and appurtenances, required and appertaining 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 Government, or by any Corporation, Company, individual or individuals, to aid in the construction, maintenance and accommodation of the said Rail Road, completely vesting in said Company and Corporation absolutely in fee simple the same. But all lands and real estate thus entered 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, Superintendents, or other authorised 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 situate, who shall cause five freeholders to be summoned, who after being duly sworn, faithfully and impartially to examine the ground

Election to be  
by ballot

Nature and  
powers of the  
incorporation.

Lands not do-  
nated to be pur-  
chased and how

May appeal to  
Circuit Court.

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or materials to be pointed out to them, by the commissioners, superintendent or other authorised person or persons; and reasonable notice having been given to the owner or owners of the property, said freeholders shall assess 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, and make a report, signed by at least a majority of them; one of which they shall deliver to the commissioners, superintendent, or other authorised person or persons, requiring said view and assessment, and the other to the Justice of the Peace by whom they were sworn; and the amount of damages and costs thus assessed, 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 lands, and the materials aforesaid be taken. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be had to the Circuit Court of the county 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 reason why the purchase cannot be made; and the Circuit Court aforesaid, acting and setting as a Court of chancery, shall direct such notice to the owner and parties, as shall be deemed reasonable, of the time and place of hearing 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 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 seem 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 said 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 land, by the agents of the Company, passing through said land, in

collecting materials aforesaid, 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 and value the materials or damages last aforesaid, whose award in writing, in the premises shall be final, and who shall apportion the costs, on one or both of the parties, as to them may seem just and proper.

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SEC. 13. In case any married woman, infant, idiot or insane 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 some competent and suitable person, to appear before said commissioners, or said circuit court, and act for, and in behalf of such married woman, infant, insane person, idiot or non-resident of the state.

Lands of Feme covert, Infants or persons non compos mentis.

SEC. 14. The said corporation, is hereby authorised and empowered to regulate the time and manner in which goods, passengers and property shall be transported, taken and carried on said Rail Road, 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 transportation of property and persons, on the single or double rail road, or ways aforesaid.

Transportation

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, any engine, machine or structure or any matter or thing, appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed; the person or persons so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said corporation treble the amount of damages sustained, by means of such offence or injury, to be recovered in the name of said corporation, with cost of suit, by action of debt, and shall be subject to indictment and punishment for high crimes and misdemeanors as in other cases.

Penalty for obstructing.

SEC. 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 bye laws, and general regulations of the company; and it 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

To appoint officers, agents.

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 payments 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.

Road to intersect, or cross water course or highway.

SEC. 17. Whenever it shall be necessary for the construction of the single or double rail way; 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 state, or in a sufficient manner, not to impair its usefulness.

Powers of said incorporation.

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 contracted with, sue and be sued, 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 and renew at pleasure; and may also make, ordain 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.

SEC. 19. 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 authorised person.

When completed, Board shall make out statement of expense

SEC. 20. That when said 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 oath 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. 21. 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*.

To elect president and vice president.

SEC. 22. It shall be lawful for any rail road company which heretofore has, or hereafter may be incorporated, 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, 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 where said roads 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.

Other rail roads may be united with this.

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 Roads, and between any of the points designated as aforesaid, in the discretion of said directors, and as they may determine most advantageous to the interests of said company; *Provided*, They shall complete one half of the whole of said rail road, as required in the fourth section of this act.

May construct the whole or a part

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APPROVED, Jan. 15, 1836.

*AN ACT to incorporate the Carlyle Bridge Company.*

In force 16th Jan., 1836.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Mary D. Slade, and James B. Campbell, of Cook county, and Thomas Keyes, of Bond county, their associates, assigns and successors, shall be, and they are hereby constituted a body corporate and politic, by the name and style of the "Carlyle Bridge Company," from and after the passage of this act, and by that name, they and their successors, shall and may hereafter have succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered, in all courts and places whatsoever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they, and their succes-*

Company incorporated.

Sue and be sued, &c.