

- Duties imposed on said company.** SEC. 12. That if said company shall not have been organized, and the location of the route filed with the county commissioners of the county or counties in which the land proposed to be taken for the use of said rail road is situate, previous to the first of September, in the year of our Lord eighteen hundred and forty, and if the said corporation shall fail to complete the said rail road on or before the first day of January, eighteen hundred and fifty, in either of the abovenamed cases, this act shall be null and void.
- Bridges, abutments, &c.** SEC. 13. The rail road company shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their rail road over any canal, river, turnpike or other highway.
- Powers resting with the State** SEC. 14. That it shall be in the power of the state at any time during the continuance of this charter, after the expiration of thirty years from the opening for use of the rail road through, provided it be made, to purchase of the said company the said rail road and all the franchises, rights and privileges of the said company, by paying them therefor the amount expended in making said rail road, with ten per cent. per annum interest thereon; and after such purchase the limitation provided in the fifth section of this act shall cease and be of no effect: and it shall be the duty of said company, from year to year, to make report to the legislature of their acts and doings, receipts and expenditures, under the provisions of this act.
- Duty of Company.**

APPROVED, Jan. 16, 1836.

In force 16th Jan., 1836. *AN ACT for the Incorporation of the Mississippi, Springfield and Carrollton Rail Road Company.*

**Company incorporated** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Paris Mason, Alfred Caverly, John Wyatt, William Craig, and such other persons as may associate with them, for the purpose of constructing a rail road from the town of Grafton, in the county of Greene, by the way of Carrollton, thence on a direct route to Point Pleasant, in the county of Morgan, at or near the head of Apple creek, thence to Millville or Hearadith's mill, on Lick creek, in Sangamon county, thence to Springfield, in said county, be, and are hereby constituted a body corporate, by the name of the Mississippi and Springfield Rail Road Company, and by that name may sue*



and be sued, defend and be defended in law and equity, in <sup>Their Powers</sup> all courts whatsoever, and by that name shall be capable of succession; may have and use a common seal, and make and establish such by-laws, rules and regulations as shall, from time to time, appear necessary to the said corporation for the government of said corporation, and may transport upon said rail road property or persons, or passengers, by the force of steam or animal power, or any mechanical power, or by the combination of the same.

SEC. 2. *And be it further enacted*, That Elihu Walcott, Bezaleel Gillit, Samuel S. Prosser, John Calhoun, William Craig, Jacob Fry, Paris Mason, and Alfred W. Caverly, <sup>Commissioners to open books for subscription for stock.</sup> shall be commisssioners, whose duty it shall be to open books for the purpose of receiving subscriptions to the capital stock of said company, at some proper place in the towns of Springfield, Carrollton, Grafton, and Jacksonville, at such times as the said commissioners shall, in their discretion, deem proper, by their giving ninety days notice in the public <sup>Notice</sup> newspapers printed at said Springfield, and in the newspapers printed at said Jacksonville, and in the newspaper printed at Carrollton aforesaid, and at one or more public place or places in the aforesaid town of Grafton; and in case no paper shall be printed at the aforesaid places, then and in that case the said commissioners shall put up notice at one or more public place or places in such of the towns as may not, at the time provided for the giving of such notice, have a newspaper published; and the books aforesaid shall remain open at each of said places for the space of ten days; and in case the whole capital stock of said company shall not be subscribed for at the aforesaid places, the aforesaid commissioners are further authorized to open or cause to be opened, books for the subscription of the capital stock not subscribed for, in any place or places in the United States, and at such times as in their discretion they shall think proper.

Any four of the above named commissioners shall at any time be competent to transact any business.

SEC. 3. The capital stock of said company shall first be eight hundred thousand dollars, and the said company shall have power to increase the capital stock, from time to time, by new and further subscriptions, as the said commissioners, or a majority of them, shall deem proper: 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 said corporation shall provide and direct. <sup>Capital stock may be increased.</sup>

SEC. 4. *And be it further enacted*, That the said corporation may, and are hereby authorized to make and cause to <sup>Corporate powers</sup>



be made, such examinations and surveys on the aforesaid rail road route, as said corporation shall deem necessary and proper for the purpose of carrying into effect the object of said corporation; and they are hereby authorized to enter upon and take possession of and use all such lands as may be deemed necessary for the construction and maintenance of said rail road; and may also hold and take all voluntary grants and donations of land, to aid in the construction, maintenance and accommodation of their said rail road; and all lands entered upon and taken for the use of the said corporation which are not donated to said corporation, shall be paid for by the said corporation at such price as may be mutually agreed upon by said corporation and the owner or owners of such land; and in case of disagreement, the price shall be fixed by three or more commissioners, to be appointed by the governor of this state; which said commissioners shall be sworn, by any person within this state authorized by law to administer oaths, faithfully and impartially to appraise such land; which appraisement so made by said commissioners, shall be binding upon said corporation, and upon the payment of the same, the said land shall be vested in said corporation in fee simple.

Governor to appoint Commissioners to ascertain damages.

Authorized to borrow money.

SEC. 5. And the said corporation are also authorized and empowered, to borrow any sum or sums of money which they, in their discretion, may deem necessary, to aid in the construction of said road, not exceeding the amount of their capital stock; and if it shall at any time appear to the directors of said corporation that any portion of the money borrowed as aforesaid, or any portion of surplus capital, shall not be required to be retained for such purpose, the same may be loaned at such rate of interest as is now by law allowed to be taken by individuals, or may be reimbursed according to the discretion of said directors: *Provided*, the legislature may at any time, if the public good require, reduce the rate of interest to eight per cent., but shall not reduce it below that rate for the term of twenty-five years from the passage of this act.

Proviso

Ten per cent.,  
on capital stock  
to be paid.

SEC. 6. *And be it further enacted*, That ten per cent of the capital stock shall be paid at the time of subscription, and so soon as one-half of the capital stock shall have been subscribed, the aforesaid commissioners shall give notice in the same manner as is required in the second section of this act, in relation to the opening of subscription books, at least twenty days before a meeting of the stockholders, to choose five directors, and such election shall be made at the time and place previously notified and appointed by said commissioners, by such of the stockholders as attend for that purpose, either in person or by lawful proxy—each



share of the capital stock entitling each stockholder to one vote; and the said commissioners, or a majority of those present, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those duly elected, and shall deliver over the subscription books to the said directors, which said directors, or those chosen at any annual election, shall choose one of their number to preside over their deliberations, and shall fill all vacancies that may occur in their board; and it shall further be the duty of the said directors of said corporation, to cause an election of directors to be holden once in every year, in such manner as may be provided in the bye-laws of said corporation.

SEC. 7. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times and in such proportions, *Provided* it be not less than ten dollars per share, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, in the case of failure, so as to pay as above directed; and the directors shall give notice of the payments thus required, and of the place and time where and when the same is to be paid, at least sixty days previous to the payment of the same, in some public newspaper of this state, and in each of the several cities where the books of the company may have been opened for subscription to the capital stock.

SEC. 8. If an election of directors shall not at any time take place as is required by this act, the said corporation shall not, for this cause, be deemed dissolved.

SEC. 9. That the said corporation may be, and are hereby authorised to take such quantity of land of sufficient width for the construction of a rail road, as they may deem necessary and proper, under the conditions prescribed in the preceding section; and that the said corporation shall have power to regulate the time and manner for the transportation of goods and passengers on the said rail road, as well as the manner of collecting tolls and dues on account of transportation and carriage—to erect and maintain toll houses and all other buildings for the accommodation of their concerns, and to collect tolls so soon as any part of said rail road shall be finished.

SEC. 10. The said company are hereby authorised to construct the said rail road across any water course, road, or other public highway, subjecting themselves to any damages that may be incurred by so doing.

SEC. 11. If any person or persons shall willfully do or cause to be done, any injury to said rail road, or to any carriage, car, engine, machine, toll house, or other building, or any structure whatever, belonging to said corporation, the



person or persons so offending, shall forfeit and pay the said corporation double the amount of damages sustained by means of such offence or injury, with all the costs of action, before any court of record in this state; and the person or persons so offending, shall be further declared guilty of a misdemeanor, and liable to fine and imprisonment.

APPROVED, Jan. 16, 1836.

In force 16th  
Jan., 1836.

*AN ACT to Incorporate the Alton, Wabash, and Erie Rail Road Company.*

Company in-  
corporated

Name & style

Commencement

Termination

Proviso

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John Tillson, Jr. William F. Thornton, Stephen Griggs, Christian B. Blockburger, Thomas B. Trower, William Fithian, Nathaniel Buckmaster, and their associates, successors, and assigns be, and they are hereby created, a body corporate and politic, under the name of the "Alton, Wabash and Erie Rail Road Company," and by that name, shall be and are hereby made capable in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended in any Courts of Record, or in any other place whatsoever; to make, have and use a common seal, and the same to break, renew or alter at pleasure, and shall be and are hereby vested with all the privileges, powers and immunities, which are or may be necessary to carry into effect the purposes and object of this Act, as hereafter set forth—and the said company are hereby authorised and empowered to locate, construct and finally complete a Rail Road leading from Alton on the Mississippi river in this State, commencing at or near the termination of the Springfield and Alton Rail Road, and either running through Hillsboro' or within one half mile, through Shelbyville and through Danville, or within one half mile of it, to the line of the State terminating at the Wabash and Erie Canal, on the Wabash river in Indiana, in such manner and form as they shall deem to be most expedient, and for this purpose, the said Company are authorised, to lay out their said Road, not exceeding six rods wide, through the whole length, and for the purpose of cutting embankments and procuring stone, and gravel, may take as much more land, as may be necessary, for the proper construction, and security of said Road; *Provided*, however, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for*