

ter to be created and incorporated, may think advisable,—on such terms as the directors of the two companies may, respectively, agree upon; and in case of a disagreement between the directors of the two companies, then, upon such terms as the circuit court of the county in which the intersection may be, shall, upon a full view and hearing of all the facts connected with the case, determine to be equitable between said companies.

SEC. 13. That if any person or persons 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 forfeit and pay to the said corporation double the amount of the 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, to be brought before any court of record in this state, or before any justice of the peace in the counties where such injuries may have accrued; and the person or persons so offending, shall be deemed guilty of a misdemeanor, and liable to fine and imprisonment.

Obstructing s'd road

SEC. 14. That this act shall be deemed a public act, and shall be benignly and favorably construed, for the purposes therein expressed and declared, in all courts and places whatsoever.

A public act.

APPROVED, Jan. 14, 1836.

AN ACT to Incorporate the Waverly and Grand Prairie Rail Road Company.

In force 116th Jan., 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That J. R. Sims, Elihu Walcott, B. Gillit, John P. Wilkinson, Samuel M. Prosser, John Wyatt, Joel Catlin, Matthew Cyrus, John Challen, John Wright, J. S. D. B. Salter, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Waverly and Grand Prairie Rail Road Company," and by that name may be, and hereby are made capable, in law and equity, to sue and be sued, plead and impleaded, defend and be defended, in any court, or courts of record, or in any other place: to*

Company incorporated.

make have and use a common seal, and the same to break, renew, and alter at pleasure; and shall be, and are hereby vested with all the powers, privileges, and immunities, which are, or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said company are hereby authorised and empowered, to locate, construct, and finally complete, a rail road, commencing at or near the town of Jacksonville, in Morgan county; thence in a south east direction, to the town of Waverly, in said county of Morgan; thence to intersect the Alton and Springfield rail road, at any place upon which said commissioners may agree, and deem most expedient; and for this purpose said company are authorised to lay out their said road, at least six rods wide, through the whole length; and for the purpose of cutting embankments, stone, and gravel, may take as much more as may be necessary for the proper construction, and security of said rail road: *Provided*, all damages that may be occasioned, to any person or corporation, by the taking of such land or materials, for the purposes aforesaid, shall be paid for by the company, in the manner hereinafter provided.

Proviso.

Capital stock

SEC. 2. The capital stock of said company, shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of the affairs of said company, shall be vested in nine directors, who shall be chosen by the members of the company in the manner hereinafter provided; who shall hold their offices for one year, and until others shall be duly elected, and qualified to take their places as directors. And the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the company; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bond to the company, with securities to the satisfaction of the directors.

Directors.

Election.

Powers defined

SEC. 3. The president and directors for the time being, are hereby authorised and empowered, by themselves or their agents, to examine all the powers and authorities herein granted for the purpose of locating, constructing and completing said rail road, and all such other power and authority for the management of the affairs of said company, not heretofore granted, as may be necessary to carry into effect the objects of this grant; to purchase and hold lands, materials, and other necessary things, in the name of the company for the use of the road, to make such equal assessments from time to time, on the shares in said company, as they may deem expedient or necessary, in the progress and

execution of the work, and direct the same to be paid to the treasurer of said company; and the treasurer shall give notice of all such assessments. The board of directors shall have power to adopt rules and bye-laws, regulating the manner and time of payment, of all assessments they may order, under such penalties as they may deem proper.

SEC. 4. Said company shall be holden to pay all damages Liabilities. that may arise, to any person or persons, corporation or corporations, by taking their land, stone, or gravel, for the use of said rail road, when the same cannot be obtained by mutual agreement; to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

SEC. 5. When the lands or other property, or estate of any married woman, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such married woman, and the guardian of such infant or person non compos mentis, may release all damages in relation to the land or estate to be taken, and appropriated as aforesaid, as they might do if the same were holden in their right, respectively.

SEC. 6. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any car on said rail road, or any part thereof, or any thing belonging thereto, he she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble such damages as shall be proved before any court competent to try the same, to be sued for in the name, and in behalf of said company; and such offenders shall be deemed guilty of a misdemeanor, and liable to indictment, in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction, such offender shall be liable to a fine not exceeding five thousand dollars, for the use of such county where such indictment may be found, or may be imprisoned not exceeding one year, at the discretion of the court before whom the conviction may be had. Persons wilfully & maliciously damageing said road.

SEC. 7. Said company shall construct their said rail road across creeks, rail roads, turnpikes, and other public ways, so as not to hinder, obstruct, or interfere, with the passage and free use of such public ways; and if said rail road shall not be so constructed, it shall be lawful for the persons agrieved, to abate the same, in the same manner as is now provided by law, for the removal of obstructions to public ways. Rivers and highways.

SEC. 8. The time of holding the annual meetings of said company for the election of directors, shall be fixed and determined by the bye-laws of said company; and at all meetings each stockholder, shall be entitled to vote in person or Meeting.

by proxy duly authorised, one vote for each share, he, she, or they may hold, bona fide, in said stock.

Commissioners
to open sub-
scription books.

SEC. 9. That, J. R. Sims, Elihu Woolcott, B. Gillit, John P. Wilkinson, Samuel M. Prosser, John Wyatt, Joel Catlin, Matthew Cyrus, John Challen, John Wright, and J. S. D. B. Salter, are hereby appointed commissioners to open subscription books for the stock of said company; said commissioners, or a majority of them, are hereby authorised to open subscription books for said stock, at such places as they may deem proper, and shall give at least thirty days notice of the time and place when and where such books will be opened; and shall keep the same open for five days, unless the whole amount of capital stock, authorised by this act, shall be subscribed in less time than the said five days. And they shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing; and at the termination of said term of five days, or sooner if the whole amount of capital stock shall be subscribed, said commissioners shall call a meeting of the stockholders, by giving ten days notice in some newspaper printed in this state, of the time and place of such meeting. At such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, together with all sums of money received by them as such commissioners, to said directors: *Provided*, that no election shall be held, until the whole amount of capital stock shall have been subscribed as provided in this act; and, *provided further*, that each director, shall, at the time of his election, hold at least five shares, in the capital stock of said company.

Directors how
chosen

Proviso.

Powers of.

SEC. 10. Said board of directors shall have power to make ordain, and establish, such bye-laws, rules, and regulations, and ordinances, as they may deem expedient and necessary to accomplish the purposes, and carry into effect the provisions of this act; and for the well ordering, regulating, and securing, the interests and affairs of said company: *Provided*, the same be not repugnant to the constitution and laws of the United States, or of this state.

Authorized to
borrow money.

SEC. 11. For the purpose of facilitating the construction of said rail road, as contemplated and authorised by this act, the said company is authorised to negotiate a loan, or loans, of money, to the amount of its capital stock, and to pledge all of its property, real and personal, and all of its rights, credits, and franchises, for the payment thereof,

SEC. 12. The said company shall be authorised to loan any part of its funds, taking any interest thereon that may be lawful in this state for any individual to receive on money loaned.

SEC. 13. In case the company shall negotiate the loan herein authorised, the holders of stock shall never be required to pay a larger amount upon the stock subscribed, than will be sufficient to pay the interest on the amount borrowed and the principal, as the same may become due and payable: *Provided*, that five dollars shall be paid upon each share subscribed, as heretofore required in this act.

SEC. 14. If the said company shall not, within two years Commence- from the passage of this act, commence the construction of ment. said road, and within four years expend fifty thousand dollars in the construction thereof, and within eight years complete the same; the powers and privileges conferred by this act shall cease, and become null and void.

APPROVED, Jan. 16, 1836.

AN ACT to incorporate the Rushville Rail Road Company. In force, Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Incorporation. *represented in the General Assembly,* That a corporation is hereby created for the purposes mentioned in this act; and all persons who shall become holders of the stock of this company, pursuant to this act, shall be, and they are hereby constituted, a body politic and corporate, by the name of the "President and Directors of the Rushville Rail Road Company;" and by that name shall be competent to contract and be contracted with, sue and be sued, plead and be Powers of said incorporation. impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever.

SEC. 2. The said corporation is hereby empowered to Further pow- construct a rail road from Rushville, in Schuyler county, to ers. the Illinois river; and to take, transport and carry property and persons upon the same, by any power which the said corporation may choose to employ: and by this act the said corporation are hereby vested with the right and privilege of locating the ground for said rail road, for a double or single track, in the first instance, and having the damages in regard to the same, assessed in the manner hereinafter provided for.

SEC. 3. That if the corporation hereby created, do not, Road to be con- within seven years from the passage of this act, construct structed. and finish, and put in operation, the said road, then the said corporation shall thenceforth and forever cease.

SEC. 4. That John Scripps, Hart Fellows, Josiah Par-