

Sec Be it enacted by the people of the State  
of Illinois represented, in the General  
Assembly, That Henry L. Timmer, Cyrus  
Langworthy, Thomas J. Etston, John M. Gay,  
De Grass, Salisbury, Daniel King, John H.  
Bryant, Wm H. Henderson, Edward Kibbourn,  
Miles H. Conway, John W. Spencer and George  
Davenport and such other persons as may  
associate themselves with them for that purpose  
be and they are hereby constituted a body  
politic and corporate by the name and  
style of "the Illinois and Rock Island  
rail road company" for the purpose of  
constructing a rail road from the Illinois  
river at or near the foot of the rapids via  
Princeton to the Mississippi River at  
or some where near the mouth of Rock  
River, to transport, take and carry property  
and persons upon the same by the power  
and force of Steam, of Animals, or of any  
other power they may choose to employ, and  
by that name they and their successors, shall  
be and hereby are vested with the right  
and privilege of constructing and using the  
said road, for the purposes aforesaid, from, and  
to the points comprised within the limits  
before mentioned, and may have succession,  
and shall be persons in law capable of

Contracting, and being Contracted with, suing  
and being sued, pleading and being impleaded  
in all Courts of law and Equity, and in  
all manner of actions, and that they and  
their successors may have a common seal  
and may change and alter the same at  
their pleasure

Sec 2 That if the said Corporation, hereby  
Created shall not Construct or finish, any part  
or parts of said road, as they may select, and  
put in operation the same, within ten years from  
the passage of this act, then the said Corporation  
shall thenceforth and forever cease, and  
this act be null and void

Sec 3 The Capital Stock of said Company  
shall be one hundred and fifty 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 found  
necessary to fulfil the intent of this act,  
and the 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, by law direct

Sec 4 That Benjamin H. Mosier of Ottawa  
Henry L. Kinney of Peru, Justin H. Olds of

Princeton George B. Miller of Hennepin, Jesse L. Smith of Columbia, Joseph Conway of Stephenson John Dixon of Dixon, Jesse J. Cox of Peoria and Edward Kelbourn of Henry County shall be commissioners, the duty of whom or a majority of them, it shall be to open books at their respective towns or at such other places as they shall deem necessary and proper, to receive subscription to the Capitol Stock of said Corporation, and to do such other things, as in their opinion is best calculated to get the said stock taken up. Sixty days public notice shall be given by said Commissioners of the time and place of opening said books, in one of the public newspapers in or near each of said places. The Commissioners shall receive no subscriptions unless one dollar on each share subscribed, be paid at the time of subscribing, and as soon as the Capitol Stock shall be subscribed to give a like notice for a meeting of the stockholders to choose five directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose either in person or by lawful proxy, each share of the Capitol Stock entitling each stockholder to one vote

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 subscription books to said Directors, And the time and place of holding the first meeting of the Directors, shall be fixed by said Commissioners, and the directors to be chosen at such meeting, or at such annual election, 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 in case of 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 when ever they may happen by the directors and in case of the absence of the President and Vice President the board of directors shall have power to appoint a President ~~pro-tempore~~ shall have and exercise such powers, and functions as the by-laws of the said Corporation may provide

Sec 9 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, and on such Conditions, as they shall deem fit, under the penalty of the forfeiture

of all previous payments made 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 ninety days previous to the payment of the same, in some of the public newspapers in <sup>this</sup> State, nearest to those places where the books of the Company may have been opened for subscriptions to the Capital Stock

Sec 6 That in case it should at any time happen that an election of Directors shall not be made on any <sup>day</sup> on which, in pursuance of this act, it ought to be made, the said Corporation shall not, for that cause be deemed to be dissolved; but such election may be held at any other time directed by ~~said~~ the by-laws of said Corporation

Sec 7 That five of the directors of said Corporation shall form a board, and they or a majority of them shall be competent to transact all business of the Corporation, and they shall have full power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper touching the management and disposition of the Stock, property and effects of said Corporation the transfer of Shares, and touching the duties and conduct of their officers, and servants, and the election of directors, and all other matters whatsoever

which may appertain to the Concerns of the Said Corporation, and also I shall have power to appoint a Secretary, and as many Clerks and Servants, as to them may seem proper, and to establish and fix such Salaries and Allowances to them, and also to the President and Vice President as to the Said board may appear proper

Sec 8 That said Corporation be and they are hereby authorized, by their agents, Surveyors and engineers to Cause such examinations and surveys to be made of the ground lying within the aforesaid limits, prescribed in the first Section of this act as shall be necessary to determine the most advantageous route for the proper line or course, whereon to construct their said road, and it shall be lawful for the said Corporation to enter upon and take possession of, and use, all such real estate as may be indispensable for the Construction of ~~the work~~ and maintenance of their said road, and the accommodations requisite and appertaining to them, and may also hold and take all such voluntary grants and donations of land and real estate, as shall be made to the said Corporation, to aid in the Construction, maintenance, and accommodation of their said road. Provided that all lands

and real estate thus entered and taken possession of, and used by said Corporation of the owners of the same, and which are not donations, shall be purchased by said Corporation, of the owners of the same at a price mutually agreed upon between them and in case of disagreement as to price, it shall be the duty of the Governor of this State upon a notice given him by the said Corporation to appoint three Commissioners, who shall be persons not interested in the matter, to be determined by them, to determine the damages which the owner or owners of the lands or real estate so entered upon by the said Corporation has or have sustained by the occupation of the same, and upon the payment of such damages, together with the costs and charges attending the appraisement by the said Corporation - The Commissioners being allowed three dollars per day, while thus employed, or upon the said Corporation depositing in the Treasury of the County, in which the land lies, the amount of said damages, together with the cost and charges aforesaid, to the credit of the person or persons to whom the Commissioners may have awarded them, the said County treasurer shall give notice to such person or persons by letter

of such deposits, being made by the said Corporation, then the said Corporation, shall be deemed to be seized and possessed of the fee simple of all such lands, or real estate as shall have been appraised by said Commissioners; and it shall be the duty of said Commissioners or a majority of them, to deliver to said Corporation or a majority of them a written statement of the award or awards they shall make with a description of the land or real estate appraised, to be recorded by said Corporation, in the Clerk's Office of the County in which the land or real estate may be, That in case any owner or owners of land or real estate so appraised shall be funus Covert, under age or non compos mentis, or out of this State, then, and, in that case the said Corporation shall pay the amount which shall have been awarded as due to the last mentioned owners aforesaid, whenever the same shall be lawfully demanded, together with interest at the rate of six per cent per annum,

Sec 9 That the said Corporation be and they are hereby authorized to construct, and use a road of suitable width and dimensions to be determined by the said Corporation within the limits prescribed in the first section of this act, and shall have power to regulate

The time and manner, in which goods and passengers shall be transported, taken and carried on the same as well as the manner they shall collect all tolls, and dues, on account of transportation and carriage, and shall have power to erect and maintain toll houses and other buildings for the accommodations of their concerns, as they may deem suitable to their interest, and to collect tolls as soon as any part thereof shall be finished

Sec 10 That the President and directors of said Company (if it shall be so decided by a full Majority of all the stockholders therein voting as above provided) shall cause to be constructed a double or single rail road, or way, along the same route as they may think proper, which shall be subject to the same rules and regulations as herein provided

Sec 11 That whenever it shall be necessary for the construction of their rail road, to intersect any road or high way, it shall be lawful for said Corporation to construct said rail road or tract way across or upon the same, but <sup>the</sup> Corporation shall restore the road or highway, thus intersected to its former state, sufficiently so, as not to obstruct its usefulness in any way or respect whatever

Sec 12 It shall be lawful for any Rail Road Company which may hereafter be

incorporated or the State of Illinois, to join and unite with the rail Road or tract hereby created and incorporated, at any point at which the directors of the Company hereafter to be incorporated, may think advisable - on such times, as the directors of the two Companies may respectively agree upon. and in Case of a disagreement between the directors of the two Companies or the State, then and in that Case upon such ~~terms~~<sup>terms</sup>, 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 them. And the State hereby reserves the right to purchase at any time the one third part or the whole of said road from said Company paying said Company the whole amount expended by them on said works together with six per cent per annum thereon

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, structure, or any matter or thing appertaining, to the same, shall be stopped, obstructed, impaired or weakened, injured or

destroyed, the person or persons so offending, shall forfeit and pay the said Corporation double the amount of damages sustained by means of such Office, 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 injury accrued, and the person or persons so offending shall be deemed guilty of misdemeanor and liable to fine and imprisonment

Sec 14 That this act shall be deemed a public act, and shall be ~~liberally~~ and favorably construed, for the purposes therein expressed and declared, in all Court and places whatsoever

Passed the Senate, July 21. 1837

J. W. Thomas jr  
Clerk Senate

Senate  
Bill  
No 3729

Entitled "an act  
to incorporate the  
Illinois and  
Rock Island  
Rail Road  
Company"

1856.

Engraved  
J. C. C.

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