

as a majority of them may direct, of the profits of said company; and the said directors shall, at least every six months, exhibit a full and complete statement of debts and credits, and such other matters as may be deemed essential relating to the affairs of the company.

Statements to
be exhibited

Real estate
may be held

SEC. 11. The corporation hereby created by this act shall be capable, and are hereby authorized to purchase, hold, and convey, any estate, real and personal, or mixed, that may be necessary to enable them to carry on, efficiently, its business, as defined in this act, and for no other purpose whatever.

Stock deemed
personal prop-
erty

SEC. 12. The stock of said company shall be deemed personal property, and assignable and transferrable on the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer, until such debt be paid to the satisfaction of said directors.

APPROVED 4th March, 1837.

AN ACT to incorporate the Beardstown and Springfield Rail Road company.
In force March 4, 1837.

Names of com-
missioners.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Thomas Wilborn, William W. Ball, William Bassett, Isaac C. Spencer, N. B. Thompson, and B. W. Schneider, of Beardstown, H. H. Hall, Reddick Horn, Amos S. West, Robert Crawford, and Stephen Lee, of Morgan county, John B. Broadville, Elijah Iles, Archer G. Herndon, Wharton Ransdell, Henry B. Truett, Peter Vanbergen, Jesse B. Thomas, and Bela C. Webster of Springfield, and all such persons as shall become stockholders according to the provisions of this act, shall be and they are hereby constituted a body corporate by the name of the Springfield and Beardstown Rail Road Company, and shall continue for the term of fifty years, from and after [the passage of] this act.

Stockholders
constituted a
body politic &
corporate.

Name of cor-
poration.

Right to con-
struct a single
or double rail
way track.

SEC. 2. The corporation shall have the right and power to construct, and during its existence to maintain and continue a single or double rail road or way, or a single or double track way, with such appendages and appurtenances as may be necessary for the convenient use of the same, from Springfield in the county of Sangamon, and running thence to such point in the town of Beardstown on the Illinois river, now in the county of Morgan, as the directors of said company shall direct, to transport, take, and carry persons and property on the same, by the power and force of steam, of animals, or any mechanical or

other power, or by a combination of them, as said company shall choose to employ, and by their names aforesaid, they are vested with the right and privilege of erecting, building, and making a single or double rail road or way, or a single or double track way, for the purpose aforesaid, and the right of using the same in the manner hereby provided for, and during the term of fifty years.

SEC. 3. If the said corporation hereby created, shall not within four years from the passage of this act, construct, finish, and put in operation the single or double rail road or way, or track way, then the said corporation shall forever cease, and this act shall be null and void.

When to be constructed.

SEC. 4. The capital stock of said corporation hereby created, shall be two hundred thousand [dollars,] with liberty for said company if they shall deem it necessary, to increase the same to any amount which they may think necessary to finish the work, which shall be divided into shares of fifty dollars each, and which shall be transferrable in such manner as said corporation may direct, and the same shall be deemed personal property.

Amount of capital stock.

Divided into shares and transferrable.

SEC. 5. Thomas Wilborn, William W. Babb, William Bassett, Isaac C. Spencer, N. B. Thompson, H. H. Hall, Reddick Horn, Amos S. West, Robert Crawford, Stephen Lee, John B. Broadville, Elijah Iles, Archer G. Herndon, Wharton Ransdall, Henry B. Truett, Peter Vanbergen, Jesse B. Thomas, and Bela C. Webster of Springfield, shall be the commissioners, the duty of whom or a majority of whom, it shall be, within one year from the passage of this act, at the towns of Springfield, Virginia, and Beardstown, or in any other towns, cities, or places as said company may deem expedient, to open books and receive subscription to the capital stock of said corporation, and twenty days public notice of the time and place of opening such books shall be previously given in the newspapers printed in Springfield or elsewhere; and the said commissioners shall at the time of subscription by any person or persons for the capital stock of said corporation, require the payment to them, by the person or persons so subscribing, of five dollars towards and upon every share of 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 than two hundred thousand dollars, the said commissioners may either retain the subscription as an enlargement of the capital stock; *Provided*, Said subscriptions do not exceed the cost of said rail road, or track way, or shall distribute the stock in such a manner as a majority of them, may think most advantageous to the interest of said company; but in case the capital stock

Commissioners to open books and receive subscription.

Proviso.

Commissioners should [not] be subscribed for, that the said company shall be authorized to reopen said books for the subscription of stock at such time and places, and in such manner, and after such notice as they or a majority of them shall direct.

To give twenty days notice to meet.

SEC. 6. Whenever said capital stock shall have been subscribed and distribution thereof made as aforesaid, or as soon as twenty-five thousand dollars of said stock shall be taken, it shall be the duty of the said commissioners to give twenty days public notice in some newspaper printed in Springfield, for a meeting of the stockholders of said company, to meet in Springfield to choose nine directors, and such election shall then and there be made, by such of the stockholders as shall attend either in person or by lawful proxy. Each share of the capital stock owned ten days previous to the day on which any election for directors shall take place, shall entitle the owner and holder to one vote either personally or by proxy; said commissioners shall be inspectors of the first election of directors of said company, and shall certify under their hands, the name of those duly elected, and deliver over the subscription money, books, and papers to said directors, and the time of holding the first meeting of said directors shall be fixed by the said commissioners.

Election of directors.

Cause a survey of route for road.

SEC. 7. The said directors shall cause such examination and surveys for the said rail road or track way [to] be made as may be necessary to the selection by them, to the most advantageous line, course or way, for the said rail road or track way, on the route set forth in the second section of this act, and shall after such examinations and surveys shall be made select, and by certificates under their hands and seals, designate the line, course or way, which they or a majority of them shall deem most suitable, and advantageous for said rail road or trackway. One report of surveys, courses, and distances, with a certificate of the directors annexed thereto, shall be filed in the office of the recorder of the counties of Morgan and Sangamon, and by them recorded and 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, build, or make the rail road, or track way above described.

Report a survey of route.

To be filed & recorded.

Term of office.

SEC. 8. The first directors to be chosen shall hold their offices until the first Monday in June, in the year next succeeding their election, and until others shall be chosen, and every election of directors thereafter, shall be held annually at Beardstown on the first Monday of June, in each and every year, notice of the same being first given twenty days previous thereto, in a public newspaper

Election when held.

printed in Beardstown or Springfield. Every election shall be held under the inspection of the stockholders not being directors who shall be previously appointed by the board of directors. All elections shall be held by ballot, and a plurality of votes given shall constitute a choice. No stockholders shall be eligible to the office of director, unless he shall own stock to the amount of at least one hundred dollars. In case an equal number of votes shall be given for any two or more for directors, the remainder of the directors shall by ballot determine who shall be entitled to a seat at the board.

SEC. 9. In case it should at any time happen that an election of directors shall not be made on any day pursuant to this act it ought to have been made, the corporation shall not for that cause, be dissolved, but such election may be held at any other time directed by the by-laws of the corporation, within sixty days after the day on which such election should have been held, and the directors shall continue to act until a new board is elected.

Corporation
not to be dis-
solved for fail-
ure to elect.

SEC. 10. The 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 trackway, and the accommodations and appurtenances required and appertaining thereto; and may also receive and take all such voluntary grants, donations of land and real estate, and materials for the purpose of said road, as shall be made to the said corporation by the general or state government, or by any corporation, company, or individual or individuals, to aid in the construction, maintenance, and accommodations of the said rail-road, or trackway, 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 donations, or owned by the said company, shall be purchased by the said corporation of the owner or owners thereof, at a price to be agreed upon mutually by the company and the owner or owners, in case of disagreement as to the price; and before the taking any materials, or making any part of said road on said land in controversy, it shall be lawful for the commissioners, superintendant, or authorized person or persons of said company, to apply to some justice of the peace of the county in which such case may occur, who shall cause five freeholders to be summoned, who, after

May hold land,
&c

May receive
donations

Mode of pro-
curing land to
construct
road on

being sworn faithfully and impartially to examine the materials or ground to be pointed out to them by the commissioners, superintendant or other authorized person or persons, and reasonable notice having been given to the owner of the property, said freeholders shall assess the damages which they believe such owner or owners shall 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, superintendant, or other authorized person or persons, requiring said view and assessments, and the other to the justice of the peace; and the amount of damages and costs, being paid to the owner or owners which shall have been assessed, or deposited with the justice of the peace, the road may be continued, located, and materials taken. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken within twenty days to the circuit court of the proper county by petition, setting forth the facts of the case, describing the lands and premises, and the necessity of such lands for making such rail-road or trackway, and the attempt and failure to purchase the same with the name and residence of the owner of the same, and the reason why the purchase cannot be made; and the circuit court aforesaid, sitting and acting as a court of chancery, shall direct such notice to the owner and parties as shall be deemed reasonable of the time of hearing of the parties:

Provided, That in case the appellee shall have had seven days notice of the taking of an appeal, and no further notice shall be necessary; but said court shall proceed to hear and determine said cause 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 deposition, 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 assessed, or reject said petition altogether, and shall also make such orders for the payment of costs as may be just and proper, and shall 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 or decree shall be fully complied with on the part and in behalf of said corporation, it shall be possessed of the land in controversy, and enter upon and take possession of, and use the same for the purposes of said road. When a difficulty shall arise as to the value of materials, which may be needed to construct said work or the amount of damages

Damages assessed, and damages paid

Court to direct notice to be given

Proviso.

Court may order and decree in the premises

to land in collecting materials aforesaid, there shall [be] no appeal 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, 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 the premises shall be final, and who shall apportion the costs as may appear just on one or both of the parties.

No appeal to circuit court

Proviso

SEC. 11. In case any unmarried woman, infant, or idiot, or insane person or non resident of this 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 [un]married woman, infant, insane person, idiot, or non resident of the State.

Court appoint a person to appear

SEC. 12. The said corporation is hereby authorized and empowered to regulate the time and manner in which goods, passengers, and property shall be transferred, taken and carried on said rail-road or trackway; and shall have power to erect and maintain toll-houses, and other buildings necessary for the accommodation of their concern, and from time to time fix, regulate, demand, and receive the tolls and charges by them to be received for transportation of passengers or property on said rail-road, or way, on said double or single trackway.

Erect toll houses, and collect toll

SEC. 13. Five directors of the said corporation shall form a board, and they, or a majority of them, shall be competent to transact all the business of the said corporation, and they shall have full force and power to make and prescribe all such rules, by-laws, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, and estate of said corporation, the transfer of shares, and touching the duties and conduct of their officers and agents, and election of directors, and all other matters whatsoever which may appertain to the concerns of said corporation. It shall also be lawful for said 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 payments thus required, and of the place and time, when and where the same are to be paid at least twenty days previous to the payment of the same, in some public newspaper printed at Springfield, or Beardstown.

Board to transact business

Forfeiture for non compliance

SEC. 14. If any person, or persons, shall wilfully do, or cause to be done, any act or acts whatsoever, whereby any building, construction, or work of the said corporation, or any engine, machine, or structure, or any matter or thing pertaining 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 treble 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, and shall likewise be subject to be indicted for injuries and offences against the property of said corporation, as for injuries or offences done to the property of individuals.

Persons injuring road to forfeit

Subject to indictment

Other Rail-road may join

Court may determine the terms on which others may join

Corporation may sue, &c.

Stock deemed personal property

Service of process

SEC. 15. It shall be lawful for any rail-road company, which may hereafter be incorporated, to join and unite with the rail-road or trackway hereby created and incorporated, at any point at which the directors of the company, hereafter 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 said companies, then, upon such terms as the circuit court of Sangamon county shall, upon a full view and hearing of all the facts connected with the case, determine to be equitable and just between said companies.

SEC. 16. The corporation hereby created, under the name of the "Springfield and Beardstown Rail-road Company," shall have the right to sue in any court of law or equity in this state, having jurisdiction of the case; and prosecute the same to judgment and recovery, and defend, when sued, plead and be impleaded, both at the law and in chancery, and shall be entitled to all the privileges and rights which such a corporation, by the common or statute laws governing the case, ought and should of right have; and may have a common seal, which they may alter and change at their pleasure. The whole of the stock of the corporation shall be deemed personal property; and together with all tools, implements, machinery, and apparatuses of every description, used and employed, or on hand, and belonging to said company, shall be liable to be seized, executed, and sold, after judgment or decree, to make good any contract, agreement, or stipulation, made by any agent, superintendant or other authorized person or persons of said company; and it shall be a sufficient service of process or notice in all cases, to leave a copy of the same with the president of the board of directors, or the secretary of the company, or in case of his absence from the county, to leave a copy of the same at the office thereof.

APPROVED 4th March, 1837.