An Act

TO INCORPORATE THE

ST. LOUIS AND IRON MOUNTAIN

RAILROAD COMPANY.

Approved March 3d, 1851.

ST. LOUIS:
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1852.
AN ACT
TO INCORPORATE THE
ST. LOUIS AND IRON MOUNTAIN RAILROAD COMPANY.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. A company is hereby incorporated, to be called the St. Louis
and Iron Mountain Railroad Company, the capital stock of which
shall be six millions of dollars, to be divided into shares of one hundred
dollars each, the holders of which, their successors or assigns, shall con-
stitute and be a body corporate and politic by the name and style afore-
said, and by that name shall have perpetual succession, may sue and
be sued, plead and be impleaded, defend and be defended, in all courts
and places whatsoever; may make and use a common seal, and the
same to alter and renew at pleasure; shall be able in law and equity
to make and enforce all kinds of contracts; may take, hold, use,
possess and enjoy the fee simple, or any other title or estate, in any
lands, tenements or hereditaments, and the same to sell and dispose of
at pleasure; may make such by-laws and regulations as may be neces-
sary or proper for carrying into effect the provisions and true intent
and meaning of this act, not repugnant to the Constitution of the United
States or of this State.

§ 2. That James Harrison, Bernard Pratte, Felix Vallé, Andrew
Christy, John O'Fallon, Hudson E. Bridge, Samuel Gaty, William
Palm, James H. Lucas, Henry W. Crow, James A. Bryan, Charles
Rankin and William M. McPherson, or a majority of them, shall con-
stitute the first board of directors, under this act, and shall hold their
office until their successors are duly elected and qualified; and if any
of the persons herein named shall die, decline, or refuse to act, the residue may appoint some suitable person to fill the vacancy; any three of the directors herein named may call a meeting at such time and place as they may designate for the purpose of organizing, and if a majority of the persons herein named shall attend, they shall organize themselves into a board of directors of said company. The directors, when organized, shall cause books to be opened for subscriptions to the capital stock of said company, at such times and places as they may designate, and under the supervision of one or more of the directors, or such other persons as they may appoint; said books may be reopened for further subscriptions to the stock as often, and at such times and places, and under the supervision of such persons, as any board of directors may deem proper, until the whole amount of said stock is taken.

§ 3. Said company shall have power to survey, locate and construct a railroad from any point within the city of St. Louis, to the Iron Mountain and Pilot Knob, or to the vicinity of either of said points last named; or said company may commence said road at any point on the line of the Pacific Railroad intersecting the same, and running from thence to the Iron Mountain and Pilot Knob, or to the vicinity of said points, or either of them; and if at any time within ten years, they should resolve to extend said railroad to the Mississippi river, at Cape Girardeau, or at any point below that city, within the limits of the State, or should they resolve to extend said road into the south-western part of the State, they shall have the right to extend said road in either direction, and for that purpose may increase their capital stock to any amount necessary to complete such extension of said road.

§ 4. The American Iron Mountain Company, and the Madison Iron Mountain [Mining] Company, or either of them, are hereby authorized to take stock in said company, and may issue their bonds to the amount of stock so taken, bearing such rate of interest as may be agreed upon between the parties; or said companies may subscribe for stock in said railroad company, and pay for the same in the stock of their respective companies, if agreed to by a majority of two-thirds of the board of directors of the company herein created; but no person interested in such subscriptions shall vote as a director on that question.
§ 8. That an act entitled "An act to incorporate the St. Louis and Bellevue Mineral Railroad Company, approved January 25, 1837," is hereby revived and made a part of this act, except the first, second and twelfth sections, and so much of the sixth section as names the points of location of said road, which sections and part of section are superseded by the sections of this act.

§ 6. Said company shall organize within two years, and commence the construction of the road within six years from the passage of this act, or forfeit all the rights granted under this act.

This act to take effect from and after its passage.

Approved, March 3, 1851.
The following sections of the "Act to incorporate the St. Louis and Bellevue Mineral Railroad Company, approved January 25th, 1837," are revived and made a part of the foregoing act. The exception, in the 6th section, is included in brackets.

AN ACT
TO INCORPORATE THE
ST. LOUIS AND BELLEVUE MINERAL RAILROAD.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 3. As soon as one thousand shares shall have been subscribed, the directors shall cause an election to be held for the election of thirteen directors, at such time and place as they may designate, having first given public notice thereof in one or more public newspapers printed in the State. An election shall be held on the first Monday of November in every year after the first election, for thirteen directors for said company. In the event of a failure to hold such election, this charter shall not for that reason be forfeited or vacated, but an election shall be held at such other time as the directors may designate; said elections shall be by ballot, and under the supervision of one or more of the stockholders, who shall be sworn, and the person having the highest number of votes shall be elected. Every stockholder shall be entitled to one vote for each share by him held, and any stockholder not present may vote by proxy in writing, duly executed to the person wishing to vote; but no director shall be at liberty to act as proxy for any stockholder. No person shall be eligible to the office of director unless he be at the time of his election a stockholder in said company; and any director who shall at any time after his election cease to be a stockholder, his office shall thereby be vacated. The directors shall hold their office for one year after their election, and until their successors are elected and qualified: they shall meet within a reasonable time after their election, and choose from their number one who shall act as president, who shall hold that office for the time for which he was elected director.
§ 4. The directors elected shall receive from the directors appointed by this act all the papers and books belonging to the company. The directors shall have power from time to time to appoint agents, clerks, treasurer, engineers, superintendents, artists, and all such other officers and persons necessary or proper to carry into effect the object of this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations made by the board, and all orders for the payment of money; and any one member of the board may require the ayes and noes to be entered thereon upon any vote given by the board, which journal shall be signed by the president. The directors may designate by the by-laws what number of their body shall constitute a board to do business; they may appoint committees from their own body; in the absence of the president, they may appoint a president pro tem., who shall, for the time of his appointment, have the powers of the president. They may fill all vacancies which may occur in their body, and the person thus appointed shall hold his office until the next general election. They may fix the salaries of the president and all other persons employed by them, but no director shall receive any compensation for his services as director. They may prescribe the manner of transferring the stock on the books of the company; may take from persons employed security for the faithful discharge of their duties; may prescribe the manner in which all notes, bonds, bills or contracts shall be signed or attested; shall have power to issue the bill and other evidence of debt of the company, but they shall not issue any bill or note or other thing for the purpose of circulation in the community, nor shall they in any way exercise any banking rights or privileges.

§ 5. The directors shall have power to call for such portions of the stock subscribed, not exceeding thirty per cent. on each share every six months, as they may think proper, by giving sixty days' notice of the amount, time and place of payment, in the public newspapers printed in the counties through which the road is to pass, or by written notice to the stockholders; and if any stockholder shall refuse or neglect to pay such requisition within five days after the [time] appointed for the payment, the company may bring suit against such delinquent, and recover the amount thereof with two per cent. interest per month thereon; and if the amount cannot be collected on execution, or if such delinquent shall not reside in the State, the directors may, within six months thereafter, by an order on their books, declare the stock of said delinquent to be forfeited to the company, together with all payments made thereon, and the stock thus forfeited may be sold by the directors. No delinquent shall be allowed to vote at any election, or otherwise participate in the benefits of the company, until he has fully paid all sums and interest due as aforesaid.
§ 6. The company, by their agents or directors, shall have full power and authority from time to time to examine, survey, mark and locate the route for a railroad, for a single and double track, the same not to be more than one hundred feet wide, [commencing in or near the city of St. Louis, passing through the town of Potosi, or as near as practicable, and from thence to Caledonia, in the valley of Bellevue, in Washington county;*] with full power, in all cases, to diverge from a direct line, whenever in their opinion the interest [of] the company may require it. They shall have power to extend branches from the point of commencement in or near said city of St. Louis, to any other part of said city; also, to make any other branches along said road, or at the termination thereof, as they may deem necessary, or the public convenience require. They shall have full power and authority to extend said road from the valley of Bellevue to any of the mineral tracts in that vicinity.

§ 7. For the purpose of making said examination, location and the building of said road, it shall be lawful for said company, by themselves, their agents, officers, or other persons employed, to enter upon any land along or contiguous to the said road; and all grants and donations of any land or any material made to said company, or any contract made for the same to the company, shall be binding upon the person or persons making the same, to the full extent of the true intent and meaning of said contract.

§ 8. In all cases where any person, through whose lands said road or any branch thereof may run, shall refuse to relinquish the quantity aforesaid — or when no contract can be made with the owner thereof, either on account of the absence of such owner, or being an infant, or of unsound mind, or a married woman, or from any other cause whatever,—it shall be lawful for the company to give notice thereof to the judge of the circuit court within which the lands lie, and it shall be the duty of the judge thereupon to appoint three discreet, disinterested men, citizens of the county, to examine and view said lands upon a day to be by said viewers designated. At least ten days’ notice of the time of making said view shall be given to the owner of such lands, if a resident of the county; if not a resident of the county, notice shall be served on the tenant residing on the land; and if the owner is not a resident of the county, and no tenant is residing on the land, notice shall be given by an advertisement in some newspaper printed in or nearest to the county in which the lands lie. In the case of any lands belonging to any married woman, notice shall be served upon her husband; in the case of infants or persons of unsound mind, notice shall be served on the guar-

* The words in brackets were repealed by the Act of 3d March, 1851.
dian of such infant or person of unsound mind; and where there is no guardian of such persons, the judge shall appoint some suitable person to act in their behalf.

§ 9. The viewers appointed by this act shall severally, before entering upon the duties of their appointment, take and subscribe an oath faithfully and impartially to discharge the duties of their appointment; particularly, to honestly assess the damages, if any there are, which the construction of the road will do the lands of such owner, taking into their estimate the advantages as well as the disadvantages the said road may be to the same. It shall be the duty of said viewers to go upon said lands and examine the same, and report what damages, if any, will be done to said lands, or any building or appurtenances thereon; which report shall be accompanied with a plat of the land viewed, and returned into the office of the clerk of the circuit court of the county, and the clerk shall file the same and enter judgment on the record of the court for the amount thereof, which shall be final and conclusive between the parties, unless they shall file in writing with the clerk, within five days after making the view, their objections to the same; and whenever any objections shall be thus filed, it shall be the duty of the judge to examine the same as soon thereafter as may be, either in vacation or term time, and may hear testimony thereon; and if the judge shall find the objections sufficient and legal, shall order a review by three other viewers, who shall proceed in the same manner as is herein before provided, but not more than one review shall be granted to the same person; and if the judge shall find said objections not to be just or sufficient, he shall direct judgment to be entered according to the report. In all cases the clerks shall not enter judgment until the five days for filing objections shall have elapsed.

§ 10. All damages assessed by the viewers in the manner herein provided shall be paid to the owner or his legal representatives; but if the owner shall be absent, or have no representative entitled to receive the damages, the same shall be paid into the county treasury, subject to the order of the owner. Whenever the company shall file in the office of the clerk of the circuit court the receipt of the person entitled to receive the same, for the amount of the damages thus assessed, the fee simple, interest and title in the land mentioned in the report shall pass and be vested in said company as fully and completely as if deeds of conveyance had been executed therefor: all reasonable costs attending the assessments of such damages shall be paid by said company.

§ 11. The company shall have full power and authority to build said road along or across any state or county road, and the streets or
wharves of any city, town or village, whether corporate or otherwise, and over any public stream or highway; but before such right shall vest in said company, they shall apply to the county court of the proper county for such right; and having filed in the office of the recorder a plat of said road and the manner in which it is proposed to cross said roads, or streets, or other public way, and if the county court are satisfied that no great injury will be done to the public, they may by an order of said court give the right to said company to use the same for that purpose. Whenever any county or state road shall cross said railroad, it shall be the duty of the company to keep good and sufficient causeways for crossing the same; and whenever said railroad shall run along any street or wharf, the same shall be so constructed as not to hinder or prevent the public from using the same. If any person own the land on both sides of said road, said company shall construct and keep in repair one suitable cross-way in every such tract of land, if required, for the use of the owner of such land and other persons.

§ 13. It shall be lawful for said corporation to place on or prescribe the kind of carriages that may be used on said road, and by whom used, and whether propelled by steam or other power, for the transportation of passengers, goods, wares and merchandise of all kinds, and also all kinds of produce, lumber or other articles usually transported on such roads. For this purpose said company may construct said road with such turn-outs, gates, bridges, culverts, toll-houses, warehouses, and other things or devices as may be considered necessary or to the interest of the company. All cars, carriages, or other vehicles, for the conveyance of any of the things aforesaid on said road, shall be subject to the direction of the company; and no person shall put any carriage or other vehicle for conveyance or transportation as aforesaid, on said road, without the permission of said company.

§ 14. The company may charge and receive such tolls and freights for the transportation of persons, commodities or carriages on said road, or any part thereof, or any bridge connected therewith, as shall be to the interest of the same; such tolls shall be established by the directors, and may from time to time be altered. They may charge tolls and freights on any part of the said road that is in a sufficient state for traveling on, whether the rails be laid or not. The company shall at all times keep posted up, in some conspicuous place at such toll-house, a list of the rates of toll and freights. If the company shall at any time refuse or fail to transport, within a reasonable time, any goods, wares or merchandise, delivered at the proper place, the toll or freight
whereon having been paid or tendered to the company or their agent, they shall be liable to the party injured in double the amount of such toll or freight, besides private damages for the detention, to be recovered in any court of competent jurisdiction.

§ 15. Semi-annual dividends of so much of the profits as the directors may deem expedient shall be made on such days as the directors may determine, and be paid to the stockholders as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits after deducting all expenses. The directors may reserve such portions of the profits, as a contingent fund to meet subsequent expenditures, as they may deem proper; but no dividend shall be made of more than twenty per centum per annum on the capital stock paid in.

§ 16. It shall be lawful for the county court of the respective counties on said road to subscribe for such portions of the stock of said company as they may deem proper, and upon such terms as they may agree with the company. When any county shall have subscribed for any portion of the stock, the justices of the county court may issue the notes of the county for such subscription, which shall be signed by all the justices and attested by the clerk, and shall be payable at such times and places as may be agreed upon; provided said notes shall not, in any event, bear a greater rate of interest than seven per centum per annum. All proceedings in relation thereto shall be entered on the records of the court.

§ 17. When any stock shall have been subscribed for by the county, the justices shall have a right to vote on behalf of the county at any election, and they may at any time require of the directors information concerning the affairs of the company.

§ 18. At every annual election, the directors shall lay before the stockholders present an exhibit of the affairs and condition of the company. Any number of the stockholders owning one-fifth of the stock subscribed, may call a meeting of the stockholders by giving at least two weeks' notice in two or more newspapers printed in this State, specifying the object of the call; and if a majority of the stockholders are present or represented, they may make such order touching the concerns of the company as a majority may determine; provided that said majority of stockholders must also embrace a majority of the shares subscribed.

§ 19. This State and the United States shall have the right, in time of war, to use said road for the transportation of troops or munitions of war, in preference to all other persons.
§ 20. When said road is located, the company shall cause a plat thereof to be made out and filed in the office of the Secretary of State, and the legislature may at any time require a statement from the company as to the progress of the work, the amount of business, and the receipts thereon.

§ 21. Any person interested may, at any time when he believes that this charter has been violated, make complaint under oath to any circuit court in which any part of said road lies, and thereupon the court may issue a scire facias, specifying in particular the violations complained of; and if, upon the trial thereof, by a jury or otherwise, said charter shall be found to have been violated, the court may appoint trustees to take charge of the affairs of said company, and the charter privileges shall from that time cease.

§ 22. If said road, after its completion, shall be suffered to go into decay, or be impassable for the space of one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

§ 23. The company shall cause to be kept a fair record of the whole expense of making and repairing of said road, with all incidental expenses, and also a fair account of the receipts from said road; and the State shall have the right, after the end of forty years, to purchase the stock in said road by paying to the said company so much therefor as it shall be valued at by persons to be mutually chosen on the part of the State and the company. The books of said company shall at all times be open for the inspection of any agent of the State appointed by the General Assembly to inspect the same; provided, also, that the State shall give at least four years' notice to the company of her intention to purchase, prior to the time fixed for making the purchase.

§ 24. Whenever the aforesaid amount of one thousand shares are subscribed, all the powers, privileges, rights, immunities and benefits conferred or intended to be conferred by this charter shall be invested in the holders of said shares; and whenever any other portion of the capital stock is subscribed for, the same shall be vested in all subsequent subscribers. Every person who shall cease to be a shareholder shall cease to be a member of said company, and the stock of said company shall be exempt from all State and county taxes.

§ 25. If any person shall willfully and knowingly injure or obstruct said road or any part thereof, or shall break, destroy or deface any work, edifice, device, toll-house, warehouse, or other thing belonging to said company, such person so offending shall upon conviction be adjudged guilty of a misdemeanor, and be punished by fine not less than fifty dollars, or confinement in the state prison not less than six months,
in the discretion of the jury; and if life be lost by such wilful obstruction or hindrance, then such offending person shall be deemed guilty of murder, and be punished accordingly. Such offending person shall also be liable to pay the company double damages for all injuries sustained by reason thereof. This act to take effect and be in force from and after its passage.

Approved, Jan. 25, 1837.