

CHAPTER CXLII.

AN ACT divorcing Sarah Wood and Charles F. Wood.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the bonds of matrimony now and heretofore existing between Sarah Wood and Charles F. Wood, are dissolved, and the said parties restored to all their rights and privileges, as if the said marriage had never been contracted.

SEC. 2. This to take effect and be in force from after its passage.

GUSTAVUS A. COLTON,

Speaker of House of Representatives.

W. W. UPDEGRAFF,

President of the Council.

Approved February 25, 1860.

S. MEDARY,

Governor.

EXPRESS COMPANIES.

CHAPTER CXLIII.

AN ACT to incorporate the Central Overland California and Pikes's Peak Express Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

Name and powers.

SECTION 1. That William H. Russell, John S. Jones, Benjamin F. Ficklin, Alexander Majors, Benjamin C. Card, Webster M. Samuel, Jerome B. Simpson, William B. Waddell, William S. Grant, Luther R. Smoot, John W. Russell, Joseph A. Monheimer, and their associates, successors and assigns, be and they hereby are declared to be a body corporate and politic, by the name, [of] "The Central Overland California and Pike's Peak Express Company," and by such name shall have continual succession, and shall have power to sue and be sued, complain and defend in any court of law or equity, and may make and use a common seal, and change the same at pleasure, and shall have power to purchase, hold, mortgage, and convey any estate or property, real or personal, for the use and benefit of the said corporation, and to take, hold or dispose of mortgages on any real estate, chattels or tenements.

SEC. 2. The capital stock of the said company shall be Stock and shares five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and in case the said capital stock be found insufficient for its purposes, such company may increase its capital stock from time to time to such amount as may be deemed necessary for the purposes aforesaid; such increase must be sanctioned by a vote in person, or by proxy of two-thirds in amount of all the stockholders of the company present or represented at a meeting of such stockholders, called by the directors of the company for that purpose, by a notice in writing to each stockholder whose name appears on the transfer books of said company, thirty days prior to such meeting, such notice to be served on him personally, or by depositing the same properly folded and directed to him, at the post office nearest his usual or reputed place of residence, and paying the postage thereon in the post office, at least thirty days prior to such meeting; such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all stockholders of the company present or represented at such meeting as aforesaid. The capital stock of the said corporation shall be deemed personal property, and may be called in, collected and transferred in such manner as the said company may by its by-laws direct.

SEC. 3. The said company may commence business as soon Begin business when. as its capital stock shall be fully subscribed for, and on such subscriptions being complete, any two of the subscribers to said stock may call a general meeting of the stockholders of Call meeting. the said company by serving a notice signed by them, of the time and place of such meeting twenty days at least before the time of holding the same, on each stockholder personally, or by leaving it at his residence, or by putting the same in the postoffice at Leavenworth City, directed to him at his usual or reputed place of residence, and paying the postage thereon; provided, however, that any other mode or time of calling said meeting shall be lawful if all the stockholders consent thereto in writing, or are represented thereat; at Directors. the meeting convened as aforesaid the said company shall

- elect by a majority of votes there present or represented, not less than three nor more than nine persons, being stockholders of the said company, to act as directors of said corporation, who shall represent the said company and manage the business thereof; in the election of directors and the transaction of all business at all meetings of the stockholders, each stockholder shall be entitled to one vote personally, or by proxy, on every share appearing by the transfer book to have been held by him thirty days previous to any such election; vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation.
- Of votes.**
- Officers.** SEC. 4. At the first meeting of the said board of directors after their election they shall elect one of their number as president of the said corporation, and may elect a vice president and such other officers as they may deem advisable; the directors of this company shall hold their offices for the term of one year, and until others are chosen.
- Of elections.** SEC. 5. In case it shall at any time happen that an election of directors be not made at the time designated, or on the day when by the by-laws of the said company it ought to be done, it shall and may be lawful on any other day to hold an election for directors in such manner as above provided for, or as shall be directed by the by-laws of such company; and in case any annual meeting of stockholders shall not be held by reason of any neglect of the directors, it shall be in the power of any stockholders holding one hundred shares of the capital stock to call such meeting for the purpose of electing directors and other purposes, by giving the notice as hereinbefore prescribed, and for that purpose they shall have access to the stock list, and transfer books of the said company, and all information necessary to the giving of such notice.
- Of meetings.**
- Of government.** SEC. 6. And be it further enacted that the directors of such company, for the time being, shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem proper respecting the management and disposition of the stock, property, and estate of such company, the duties of the officers, agents, artificers, and servants by them to be employed, the election of directors, and all such matters as appertain to the concerns of the said company, to appoint such and so many officers, clerks, and servants for carrying on the business of the said company, and with such salaries or wages

as to them shall seem reasonable, provided that such by-laws be not inconsistent with any existing law.

SEC. 7. The said company shall have power to establish, maintain, and operate any express, stage, passenger, or transportation route or routes, by land or water, for the conveyance of persons, mails, and property from, to, and between any place in Kansas, and any place in or beyond the limits of Kansas, and to create and organize branch companies for the same purpose, and to build, hire, establish, and maintain storehouses, warehouses, and other buildings for the safe keeping of goods, wares, and merchandise and other property, and the transaction of business, and for other purposes, and shall have power to make insurance against loss or damage by fire or the risks of navigation and transportation on any goods, wares, merchandise, or other property, and shall have the power of exploring for minerals, and of mining gold and other ores and metals, and cleansing, refining, and manufacturing the same, and assaying gold or other precious metals, with power to purchase, lease, hire, and hold, or let and convey such mines or mining rights and real and personal estates as may by said corporation be deemed necessary or advantageous for exploring, mining, conveying, cleansing, refining, and manufacturing such ores, and to sell, lease, and mortgage the same, or any part thereof; and for the purpose of facilitating exchanges between the several places at which the said corporation may transact business, the said company shall have power to draw, make, accept, and endorse or guarantee drafts or bills of exchange, and buy, sell, and negotiate the same, and of receiving coin, money, gold, or other valuables on deposit at any of their places of business, and making money orders for the payment or delivery of the same at any other place at which they may do business.

Express and transportation powers.

Insurance.

Of mining, assaying, &c.

May buy, sell, and negotiate drafts, exchange, &c.

SEC. 8. That the principal office of the said company shall be kept at Leavenworth city, unless the same be changed by the vote of two-thirds of the directors at a meeting called for that purpose; and the said company may establish as many branch or local offices as their business may require or may be deemed necessary.

Office at Leavenworth.

Branch offices.

SEC. 9. The meetings of the board of directors of said company shall be held at the principal office of the said company, or at such other place as the by-laws or the board of directors may designate; and the said company may hold meet-

Of meetings.

ings, either of its shareholders or directors, for the transaction of business, at any place within the limits of the United States, which the by-laws of the said company may designate, or which a majority of the directors, with the approval of the president, may appoint.

May invest sur-
plus capital.

SEC. 10. The surplus or unemployed funds of the said company may be invested in real estate, or in bonds or notes secured by mortgage on real estate, or in the stocks of the United States government or of Kansas, or otherwise, as the board of directors may designate.

May sell un-
claimed baggage
and freight.

SEC. 11. If the said company shall have had unclaimed freight or baggage not perishable in its possession for the period of at least one year, it may proceed and sell the same at public auction, after giving notice to that effect in one or more newspapers published at Leavenworth city, or at the place where such goods are to be sold, once a week for not less than four weeks, and shall also keep a notice of such sale posted for the same time in a conspicuous place in the principal office of the said company. In case such unclaimed freight or baggage shall in its own nature or condition be deemed perishable, then the same may be sold as soon as it can be at the best terms that can be obtained therefor. Said notice shall contain as near as practicable a description of such freight or baggage, the place and time when left, together with the name of the owner of the freight or baggage, or person to whom consigned, if the same be known. All moneys arising from the sale of freight or baggage as aforesaid, after deducting therefrom charges and expenses for transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight or baggage, shall be held by the said company in trust for reclamation by the persons entitled, or who may become entitled, to receive the same, and the said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proofs of advertisement and posting, affidavit of sale, with the amount for which each parcel was sold, the total amount of charges against such parcel, and the amount held in trust for the owner, which book shall be open to inspection by claimants at the principal office of the said company.

Of perishable
freight or bag-
gage.

Of proceeds of
sale.

Shall keep rec-
ord of sales.

Insurance pow-
ers.

SEC. 12. The said corporation shall also have power to make insurance on lives, to grant and purchase annuities, to

make any other contingent contract, involving the interest of money and the duration of life, to receive moneys in trust, to accumulate the same at such rate of interest as may be obtained or agreed on, not exceeding in either case the legal rate, to accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, or as may be transferred to them by order of any court or judge. No bond or other collateral security shall be required from the said company when appointed guardian or receiver; but all investments of moneys received by the said company in either of such characters shall be at the sole risk of the said corporation, and for all losses of such moneys the capital stock property and effects of the said corporation shall be absolutely liable.

How liable.

SEC. 13. The said company at any time may change its name, provided such change is directed by a majority of the directors thereof at a meeting duly convened, and is approved by the president thereof, and provided such change be also approved by a vote of the next regular meeting of the stockholders of the said company, or by a meeting of such stockholders duly convened for that purpose; whereupon the said corporation shall do business by its new name, and plead and be impleaded thereby; and all the provisions of this act shall apply to the said corporation, after such change of name, as if such new name had originally been inserted in this act, instead of the name by which it is above designated, and such change shall not affect any rights, legal or equitable, in favor of or against the said corporation. Notice of such change of name shall be published, for at least four weeks, in two newspapers, published at the place where the principal office of the company is at the time located, and in such other papers as the president may direct.

May change name

Do business under new name.

Notice of such change.

SEC. 14. This act shall take effect immediately.

EDWARD LYNDE

Speaker pro tem. of House of Representatives.

W. W. UPDEGRAFF,

President of the Council.

Approved February 13th, 1860.

S. MEDARY,

Governor.