

terms by this act prescribed for the Bank of Pennsylvania and Philadelphia bank.

SECTION 2. That before the said money, or any part thereof, shall be demanded from said banks, thirty days notice of Notice, the time when said sum or sums are to be paid by the said banks shall be given, and interest shall cease on such sum so demanded, five days previous to the time fixed for repayment.

SECTION 3. That in case the Girard bank, the Moyamensing bank, and the Merchant's and Manufacturer's Bank of Pittsburg, or either of them, shall not signify their willingness to retain the sums now deposited with them, or either of them, in the manner and within the time hereinbefore directed, then it shall be the duty of the State Treasurer, Duty of State Treasurer. to transfer the sums now deposited with the bank or banks so omitting to signify their assent, to the Bank of Pennsylvania and the Philadelphia bank, in the same proportion, and subject to the same conditions and interest as are prescribed by this act in relation to the sums directed to be deposited with the Bank of Pennsylvania and the Philadelphia bank.

SECTION 4. The moneys arising from the payment of the interest by the banks designated in the foregoing sections of this act, on the public money thus held by them on deposit, Interest to be applied to Common School fund, shall, and the same is hereby ordered to be applied to the fund for the support of common schools within this commonwealth.

LEWIS DEWART,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.

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No. 23.

### An Act

To unite the Wrightsville and York Railroad, and the Wrightsville and Gettysburg Railroad companies into one company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in Gen-*

*eral Assembly met, and it is hereby enacted by the authority of the same,* That if the respective companies assent thereto, and certify such assent to the Governor, under their corporate seals, on or before the fifteenth day of April next, then the Wrightsville and Gettysburg Railroad company, and the Wrightsville and York Railroad company, shall be united and become one company, under the title, style and name of the Wrightsville, York and Gettysburg Railroad company, with the following rights, powers and immunities.

Companies  
united.

**SECTION 2.** The stockholders of both the aforesaid companies shall be deemed to have been, and are hereby incorporated under the charter of the Wrightsville and York Railroad company, and entitled to all the privileges, and subject to all the liabilities of the act under which said charter was obtained, entitled "A supplement to an act entitled An act authorizing the Governor to incorporate the Strasburg Railroad, the Williamsport and Elmira Railroad, the Marietta and Columbia Railroad, and relative to the Cumberland Valley Railroad, and the Wrightsville, York and Gettysburg Railroad," and the said last mentioned act shall be in full force, and govern the operations and powers of the companies hereby united, except so far as the same is altered or repealed by this act.

Powers.

**SECTION 3.** The capital stock of the company shall be twenty thousand shares, of fifty dollars each, with power to increase the same to thirty thousand shares.

Capital  
stock.

**SECTION 4.** The stockholders of both the companies hereby united, shall be stockholders in this company, and bound to pay the amounts by them respectively subscribed, as they would have been in the original companies if this act had not been passed; any suit brought, or which may hereafter be brought, in the name of either of the original companies, shall not abate by reason of the passage of this act, but shall be prosecuted to final judgment, in the same manner as if this act had not been passed.

Both compa-  
nies bound.

**SECTION 5.** The Wrightsville, York and Gettysburg Railroad company are authorized and required, within four years, to locate and construct a railway, with single or double tracks, from the railroad belonging to the commonwealth, at or near the west end of the Columbia bridge, in the borough of Wrightsville, through York, to unite with the Gettysburg extension of the Philadelphia and Columbia Railroad at Gettysburg, to be of the same width as the Philadelphia and Columbia Railroad, and its intersection with the state railroads is hereby authorized.

Four years  
allowed for  
locating and  
constructing  
the railway.

**SECTION 6.** The road shall be so constructed as to allow the locomotive engines and cars used on the Philadelphia

and Columbia Railroad to pass from end to end of the same, and the Commonwealth of Pennsylvania shall at all times have the privilege of passing the locomotive engines and cars used by it on the Philadelphia and Columbia Railroad, and its extensions, from end to end of said road, by paying the same tolls, and being subject to the same regulations as other companies or individuals. Regulating the passing of locomotives & cars.

SECTION 7. The York and Maryland Line Railroad company shall have the perpetual right of the use of said road, from Wrightsville to York, upon the same terms of any other company, individual, or the Commonwealth of Pennsylvania: *Provided*, That the said York and Maryland Line Railroad company grant the same privilege to the Wrightsville, York and Gettysburg Railroad company, and the Commonwealth of Pennsylvania, to such part of its road as may lie between its intersection with the Wrightsville, York and Gettysburg Railroad in the borough of York, and the intersection of the Wrightsville, York and Gettysburg Railroad with the said York and Maryland Line Railroad, at any place west or south of the borough of York, if such intersection should take place, and said intersection is hereby authorized. Relating to the York and Maryland Line Railroad company. Proviso.

SECTION 8. The officers of the company shall consist of a president and eight directors, to be chosen on the first Tuesday in September annually, in the manner specified in section eight of the act to incorporate the Wrightsville and York Railroad company, and until the first Tuesday of September next, the president and directors now in office of the two companies hereby united, shall be the officers of said company, and choose their president by a majority of votes, at a joint meeting of the two companies, regularly called. Officers to be chosen annually.

SECTION 9. The company created by this act shall be liable for all the debts contracted and liabilities of both the original companies, and any security granted by either of said companies to individuals or bodies corporate, shall be and remain unaffected by this act. Liabilities.

SECTION 10. The viewers to assess damages, to be appointed by the court, shall be selected out of one of the counties adjoining those in which the property of the applicant lies, notice to be served by the sheriff of the county in which the viewers reside; such viewers shall receive one dollar per day for each day employed in such view, or in going to and from the place of such view. Viewers to assess damages.

SECTION 11. Whenever any ten or more miles of said road shall be finished, and profits realized from the use thereof, the directors may divide such profits among the stockholders, in proportion to the amount by them respectively paid: When profits may be divided.

**Proviso.** *Provided*, That no stockholder shall be entitled to any dividend for any money paid within six months of the time of such distribution.

**Power to borrow money.** SECTION 12. The company shall have power to borrow money to pay its debts, and construct and stock the road, and pledge the fee simple of all their property, rights and privileges, for the security and re-payment thereof.

**Relative to charter.** SECTION 13. When this act shall have been assented to by both the companies, in the manner above specified, the charter of the Wrightsville and Gettysburg Railroad company shall become void, except so far as to prosecute any claims due to it, or settle any legal controversy in which it may be engaged.

**"Mountain Coal Company" incorporated.** SECTION 14. That Benjamin A. Bidlack, Edward L. Taylor, I. Y. Jeanes, George Warder, John R. Dean, John Parker, Henry Colt and Isaac Barton, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name, style and title of the "Mountain Coal company," with a capital of two hundred and fifty thousand dollars, and the said company may hold not exceeding two thousand acres of land, which shall lie within the counties of Luzerne and Northampton, and shall have power to construct a railroad, or railroads, with one or more tracks, from such points on their lands to any convenient point or points of intersection with the Beaver Meadow, Hazleton, or Buck Mountain Railroads, or the Lehigh Canal, and the company hereby incorporated, shall have the same powers and immunities, and be subject to the same terms and conditions that are provided in the act to incorporate the Hazleton Coal company, and the supplement thereunto: *Provided*, That an annual return to the Auditor

**Proviso.**

**Tax on dividends.**

General of the amount of dividends be made, under oath of the president or secretary, and that eight per cent. of said amount, when the same shall exceed six per cent., shall be paid into the State Treasury.

LEWIS DEWART,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of February, ANNO Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.