

pany agrees to procure an amount of Iron equal to that purchased by the Baltimore and Susquehanna Rail Road Company under its executions against the York and Wrightsville Rail Road Company, and to apply and use in making the rail road between York and Wrightsville the said iron, and the further sum of seventy thousand dollars (\$70,000) provided that amount be required, and provided in case that amount with the iron to be returned be not sufficient to complete the work, the Wrightsville, York and Gettysburg Rail Road Company supply the balance required to finish the work—the iron to be returned and the seventy thousand dollars to be furnished, to be laid down, used and applied under the direction and control of the Baltimore and Susquehanna Rail Road Company and its agents, the engineer and other agents of the Wrightsville, York and Gettysburg company now employed are to be retained as agents of the Baltimore and Susquehanna Rail Road Company exclusively on the said part of the said road between York and Wrightsville. The seventy thousand dollars to carry interest at the rate of six per cent. from the times when advanced, and to be returned within seven years from the time when the first part of it is advanced, and to be secured by judgments and mortgages, and all tolls received on the said road after the payment of repairs and necessary expenses, to be applied in payment of the said sum of seventy thousand dollars. The mortgage to secure the payment of seventy thousand dollars to be given before any part of this article is binding—the said mortgage to operate upon the fee simple of all the property, rights and privileges of the Wrightsville, York and Gettysburg Rail Road Company.

Article 5. The Baltimore and Susquehanna Rail Road Company further agrees to subscribe as stock in the Wrightsville, York and Gettysburg Rail Road Company the amount of its original loan to the York and Wrightsville Rail Road company, being the debt which will be due it in case of the return of the iron mentioned in article 4th, being \$112,000, and also the sum of \$1,340 paid for the York and Wrightsville Rail Road Company by the Baltimore and Susquehanna Rail Road Company, with interest on the said sums from the times when paid until the time when the Pennsylvania Bank of the United States paid its subscription of stock in the Wrightsville; York and Gettysburg Rail Road Company. The interest to be calculated on the said sums of \$112,000 and \$1,340 up to the time of first payment on account of its stock by the said Pennsylvania Bank of the United States, and to be calculated on the balance of said sums, deducting amounts equal to those paid by the Pennsylvania Bank of the United States on its stock, so as to place the Baltimore and Susquehanna Rail Road Company upon an equality as stockholders with the Pennsylvania Bank of the United States. The said subscription of stock to be made after the said road is completed between York and Wrightsville, and not until then.

Article 6. It is further mutually agreed that in case the sum of seventy thousand dollars with the iron to be returned be not suffi-