

tion and the same seizure whether made by the collector or his deputy or by the said naval officer or his deputy shall be prosecuted by information in rem in the supreme court or the court of common pleas of the county where the seizure shall have been made and upon condemnation the same shall be sold by public auction, and distributed as the impost laws of this state provide and direct in the special case wherein such seizure shall have been made.

(Section XII. P. L.) [Section X.] And be it further enacted by the authority aforesaid, That so much of the said act herein first recited as is by this act altered, amended or supplied shall be and the same is hereby repealed, annulled and made void.

Passed March 15, 1787. Recorded in L. B. No. 3, p. 191, etc.

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## CHAPTER MCCLXXVII.

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AN ACT TO DIRECT AND AUTHORIZE THE LAYING OUT OF AN HIGHWAY THROUGH THIS STATE FROM THE WATERS OF THE RIVER POTOMAC TO THE RIVER OHIO IN ORDER TO EXTEND AND FACILITATE THE INTERCOURSE WHICH IS DESIGNED TO BE OPENED BETWEEN THE SAME RIVERS.

(Section I. P. L.) Whereas by the articles of confederation and perpetual union between the states of America the said states severally have entered into a firm league and friendship with each other for their common defense, the security of their liberties and their mutual and general welfare.

And whereas it hath been represented to the assembly of this commonwealth that the states of Virginia and Maryland have concreted and agreed to improve and extend the navigation of the river Potomac from the tide water thereof upwards as far as the same may be found practicable and from the head of such navigation along and by means of the river Potomac to open an highway whereby to communicate by the shortest practicable course with the navigable waters of the river Ohio.

And whereas it appears to this general assembly that the states of Virginia and Maryland by acts of their respective leg-

islatures have authorized the citizens of the United States to lay out an highway for cummnication between the waters of the said rivers and have invested the citizens of the United States with all privileges, immunities and advantages respecting the same that the citizens of the states of Virginia and Maryland now do or shall hereafter enjoy.

And whereas it is found necessary in order to open and complete the communication between the two rivers aforesaid, that and highway should be laid out, opened and made through part of this state, which highway the states of Virginia and Maryland have agreed in case permission for opening the same can be obtained from the Legislature of this State to open and complete at the proper charge and cost of the states of Virginia and Maryland and as no highway or road can be laid out and established within this state by the courts of quarter sessions of the peace of greater width than fifty feet.

In consideration therefor of the premises and of the great advantage that will accrue not only to the commerce but to the industry and agriculture of this state by opening a way to foreign markets for the products of the same by means of the said intended highway and navigation.

{Section II. P. L.) [Section I.] Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That upon the application of the agents of the states of Virginia and Maryland duly appointed for the purpose to the courts of quarter sessions of the peace within the counties of Bedford, Fayette and Westmoreland for the laying out and establishing of an highway for the purpose of the communication aforesaid between the waters of the river Potomac and the waters of the river Ohio as to the parts of the same highway which shall fall within their proper jurisdiction, the said courts respectively shall authorize and direct that a view or views by six discrete and capable inhabitants of the proper county or of some county within this state through which such highway and communication shall be laid out, be had in like manner as the same courts respectively are empowered to proceed in laying out of public highways within

the county, and upon the return of the persons so appointed to make such views to establish the same as an highway of the breadth of eighty feet that after the highway so laid out and established as aforesaid shall be recorded the same shall forever thereafter be deemed to be and shall be an highway of this state, the said highway to be laid out, opened, established and kept in repair at the charge and cost of the states of Virginia and Maryland and to be free and open to the use of all and every of the inhabitants of the same states as well for the transportation and conveyance thereon and thereby of all their goods, wares and merchandise respectively as otherwise as fully as the same highway shall be free and open to the use of the inhabitants of Pennsylvania.

(Section III. P. L.) Provided, That the agents of the states of Virginia and Maryland apply for the laying out of the said highway as aforesaid within three years from and after the publication of this act.

(Section IV, P. L.) Provided also, That if it be found necessary because of the neglect of the states of Virginia and Maryland to repair the same highway for the legislature of this state to impose any toll tax or duty on the goods, wares and merchandise, which shall be transported and conveyed by and along the said highway in order to amend and repair the same, that then and in such cases the inhabitants of the states of Virginia and Maryland shall be liable to pay like toll, tax and duty for such purpose on their goods, wares and merchandise as the inhabitants of Pennsylvania shall in similar cases be liable to pay and no greater.

(Section V. P. L.) [Section II.] And be it further enacted by the authority aforesaid, That the goods, wares and merchandise imported and introduced into this state by and along the highway aforesaid shall be subject to no greater impost or duty than the like goods, wares and merchandise would be liable in case the same were imported and introduced into this state by the river Delaware or otherwise except the tolls, tax or duty imposed for the special purpose of repairing the same highway.

(Section VI. P. L.) [Section III.] And be it further enacted by the authority aforesaid, That the advantages which are by

this act given to the inhabitants of the states of Virginia and Maryland shall remain and continue as long and no longer than the states of Virginia and Maryland shall allow free passage, navigation and agress and regress to the inhabitants of Pennsylvania along and through the navigation and communication aforesaid, such inhabitants of Pennsylvania paying like tolls, duties and imposts and customs and no greater than the inhabitants of Virginia and Maryland shall pay and which shall be indispensably necessary for the maintenance and support of the said navigation and communication.

Passed March 15, 1787. Recorded L. B. No. 3, p. 194, etc.

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## CHAPTER MCCLXXVIII.

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### AN ACT TO REVIVE THE INCORPORATION OF THE SUBSCRIBERS TO THE BANK OF NORTH AMERICA.

(Section I. P. L.) Whereas by an act of general assembly of this commonwealth passed the first day of April in the year of our Lord one thousand seven hundred and eighty-two, entitled "An act to incorporate the subscribers of the Bank of North America,"<sup>1</sup> it was enacted that those who then were and those who should become subscribers to the said bank should be forever thereafter a corporation and body politic to all intents and purposes by the name and style of "The President, Directors and Company of the Bank of North America," with certain powers, rights and privileges therein particularly expressed and granted:

And whereas by a certain other act of general assembly passed the thirteenth day of September in the year of our Lord one thousand seven hundred and eighty-five it was enacted that every matter, clause and thing in the said recited act contained should be repealed and made utterly void and of none effect:

And whereas a bank under proper regulations may be rendered useful to the commerce and agriculture of the state and