

CHAPTER MDCCCXC.

1797.

(See vol. I, chap. 207, pa. 90, and the notes thereto, and chap. 315, sect. 10, pa. 185.)

Certain promissory notes to be held free from defalcation.

An ACT to devise a particular form of promissory note, not liable to any plea of defalcation or set-off.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of March next, all notes in writing, commonly called promissory notes, bearing date in the city or county of Philadelphia, whereby any person or persons, bodies politic or corporate, or copartnership in trade, shall promise to pay, or cause to be paid, to any other person or persons, bodies politic or corporate, or copartnership in trade, and to the order of the payee, for value in account, or for value received, and in the body of which the words, "without defalcation," or, "without set-off," shall be inserted, shall be held by the indorsees, discharged from any claim of defalcation or set-off by the drawer or indorsors thereof; and the indorsees shall be entitled to recover against the drawer and indorsors such sums, as on the face of the said notes, or by indorsements thereon, shall appear to be due: *Provided always*, That in every action brought by the holder of any such note, whether against the drawer or indorsors, the defendant may set-off and defalk so far as the plaintiff shall be justly indebted to him in account, by bond, specialty, or otherwise.

Proviso as between the plaintiff and defendant in any suit.

Passed 27th February, 1797.—Recorded in Law Book No. VI. page 148.

CHAPTER MDCCCXC.

An ACT to declare Cohocksink creek a public highway.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Cohocksink creek, in the township of the Northern-Liberties, and the county of Philadelphia, from the mouth thereof up to the bridge on the road leading to Frankford, shall be, and the same is hereby declared to be, a public highway, for the passage of all kinds of vessels and rafts which can float therein, and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek to remove all natural and artificial obstructions, from the mouth thereof up to the aforesaid bridge, so as that the said creek shall be navigable forty feet in width: *Provided nevertheless*, That it shall and may be lawful to throw such draw-bridge or draw-bridges across the said creek, as shall not obstruct the passage of the same.

Cohocksink creek declared to be a public highway.

Draw-bridges may be thrown across the creek.

Provision as to the present draw-bridge.

SECT. II. And be it further enacted by the authority aforesaid, That the draw-bridge at present thrown across the aforesaid creek shall remain until another can be erected.

Of enlarging the draw of

SECT. III. And be it further enacted by the authority aforesaid, That the inhabitants desirous of using the navigation of the said

creek shall have the right to enlarge the draw of the present bridge 1797.
to the width of eighteen feet.

Passed 27th February, 1797.—Recorded in Law Book No. VI. page 147.

the present
bridge.

CHAPTER MDCCCXXI.

An ACT to enable the owners and occupiers of a certain tract of marsh and meadow land, therein described, situate in the township of Derby, and county of Delaware, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof.

SECT. 1. [THE Southern District Derby Meadow company established. Time and place of appointing Managers. 2. Penalty on refusing to act as Managers. How the vacancy in the office of Manager or Treasurer shall be supplied; and penalty on refusing to act as Treasurer. 3. Treasurer to give security. Condition of the bond prescribed. 4. The banks, &c. to be hereafter supported in common by the Managers, who may assess taxes for the purpose. Banks now out of order to be repaired at the expense of the owners. 5. Powers of the Managers. 6. Of cutting weeds injurious to the meadows. 7. Of creeks and inclosures, and of swine found within the inclosures. 8. Of making new ditches and drains, and scouring the old. 9. How disputes shall be settled. 10. Of the Treasurer, and his duty prescribed. 11. Penalty on conviction of persons damaging the banks, &c. Appropriation of the penalty. 12. Proceedings in case owners of the land refuse or neglect to pay their taxes assessed, before a Justice of the Peace. 13. The Managers to direct necessary repairs; to inspect the banks, &c. four times in each year; and enter upon the company lands, to procure materials to repair them. 14. Pay of the Managers and Treasurer. 15. Former acts repealed, excepting as to fines, &c. so far as they relate to this district of meadow.]

Passed 4th March, 1797.—Recorded in Law Book No. VI. page 148.—Private Act.

CHAPTER MDCCCXXII.

An ACT declaring part of Fishing Creek, in Lycoming county, a public highway.

SECT. I. BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, Fishing Creek, in the county of Lycoming, from the mouth of the same as far up as the mouth of Banks's Run, shall be, and the same is hereby declared a public highway, for the passage of boats and rafts, under the limitations and restrictions herein specified; and it shall and may be lawful for

Part of Ly-
coming
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lic highway.