

CHAPTER MCMXX.

AN ACT TO DEVISE A PARTICULAR FORM OF PROMISSORY NOTE NOT
LIABLE TO ANY PLEA OF DEFALCATION OR SET-OFF.

[Section I.] (Section I, P. L.) 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 copartnerships 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 endorsees discharged from any claim of defalcation or set-off by the drawer or indorsers thereof, and the indorsees shall be entitled to recover against the drawer and indorsers, 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 such note, whether against the drawer or indorsers, 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.

Passed February 27, 1797. Recorded L. B. No. 6, p. 148.

CHAPTER MCMXXI.

AN ACT TO DECLARE COHOCKSINK CREEK A PUBLIC HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, 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 brige, 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 drawbridge, or drawbridges, across the said creek as shall not obstruct the passage of the same.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the drawbridge at present thrown across the aforesaid creek shall remain until another can be erected.

[Section III.] (Section III, P. L.) 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 to the width of eighteen feet.

Passed February 27, 1797. Recorded L. B. No. 6, p. 147, etc.

CHAPTER MCMXXII.

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, SLICES AND FLOODGATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF.

Whereas there is a certain piece or parcel of marsh and meadow land, situate in the township of Derby, in the county of Delaware, on the northwest side of Derby creek, beginning at