

## 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.

Proviso as between the plaintiff and defendant in any suit.

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.

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.

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