

Ramsay, he and are hereby appointed commissioners for the purposes of this act, and that they, or any two of them, are hereby authorised and required to survey and lay out a road not exceeding thirty-three feet wide, beginning at a certain point to be fixed on by said commissioners, or any two of them, near the mill-race of the late George Gale, and on the public road leading from the Brick Meeting-House by Richard Reynold's mill, to the lower ferry on Susquehanna river, and running thence in the most convenient course till it intersects the public road leading from the lower ferry to Battle Swamp, just below the mouth of a run called Bateman's Fresh.

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2. *And be it enacted*, That it shall be the duty of the said commissioners, or any two of them, to cause a plot and certificate of said road to be made, as soon as can be conveniently done, and to make a return thereof to the levy court of Cecil county.

Plot to be made out.

3. *And be it enacted*, That all that part of the present public road leading from the point where the road hereby authorised and directed to be located shall commence, to its intersection with the road leading from the lower ferry to Elkton, be, and the same is hereby declared to be, private property, and the owner or owners of the land through which the same runs, are hereby authorised and empowered to close and stop up the same, and the said land, in the several and respective portions, according to their several metes and bounds, to occupy and use, as fully and amply as if the same had never been declared to be a public road; *Provided always*, that Levin Gale and Henry Chamberlaine, their heirs, executors or assigns, shall, at their own proper costs and charges, make the road, to be located under the provisions of this act, good and passable, and have a certificate of its being so made, signed by the commissioners aforesaid, or any two of them, returned to the levy court of said county, before they shall stop the road hereby authorised to be shut up.

A road to be shut up.

Proviso.

4. *And be it enacted*, That when the said road is made good and passable, and a certificate of that fact returned as aforesaid, then the same shall be, and is hereby declared to be, a public highway, and shall be kept in repair as the other public roads in Cecil county are kept in repair.

Road declared public.

CHAPTER 117.

An act for the relief of Levi Dukes, of Caroline County. Passed Jan. 13

Sec. 1. *Be it enacted by the General Assembly of Maryland*, That it shall and may be lawful for Levi Dukes, of Caroline county, on all suits which have been or may be brought against him by Thomas Buchanan, or his assignees, on any bill obligatory, or sealed note, in any court of common law in this state, to plead *non est factum* to all and every such suit, without making affidavit to the truth of such plea; *Provided*, that before the said Levi Dukes shall be permitted to file any plea of *non est factum* under this act, he shall make oath, before some person authorised to administer the same, to the exact number of notes or bills obligatory which he did execute to the said Thomas Buchanan, and for the amount or sums for which they were given, and that he executed no other to the said Thomas Buchanan, and file the same in Caroline county court thirty days before the trial, and

J. Dukes authorised to plead non est factum.

Proviso.