

Certain facts  
legalized.

way, as road commissioners of Yankton county, in locating, marking and surveying that portion of the Territorial road required to be so located, marked and surveyed, within said county of Yankton, by chapter fifty-five of the session laws of 1862-63, approved, January 9th, 1863, be and are hereby declared legal.

When take effect

Sec. 2. That this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, January, 13th, 1864.

## ROADS

### CHAPTER XXXII.

#### AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM HAMILTON'S RANCH, OPPOSITE FORT RANDALL, TO FORT SULLY.

Who to be commissioners.

Section 1. That John Mechling, Joseph V. Hamilton and Fillicia Fallas are hereby appointed commissioners to locate and establish a territorial road from Hamilton's, by the most practicable route, to Fort Sully.

shall meet where.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Hamilton's, on or before the first Monday in June next, and proceed to lay out said road.

County to bear expense.

Sec. 3. Each county shall pay the expenses incurred in locating and surveying, marking and staking the same in said county.

When take effect

Sec. 4. This act shall take effect [and be in force] from and after its passage.

Approved, January 14, 1864.

## CHAPTER XXXIII.

AN ACT LOCATING A TERRITORIAL ROAD FROM  
VERMILION TO YANKTON.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota :*

Section 1. That Abram Van Osdel, J. Whitehorn, J. R. <sup>Who to be commissioners.</sup> Hanson, Chas. F. Picotte and Ole Samson be, and they are <sup>commissioners.</sup> hereby appointed commissioners to locate a territorial road, commencing at a point near Wm. Benedict's house, on section No. 15, in township No. 92 north, of range No. 52 west; thence westerly, by the nearest and most practicable route to the town of Yankton.

Sec. 2. It shall be the duty of the commissioners, or a <sup>shall meet</sup> majority of them to meet at the house of J. Whitehorn, on or <sup>where.</sup> before the first day of June, A. D. 1864, and proceed with a competent surveyor, to locate said road, and to select a person to fill the commission.

Sec. 3. Each county shall pay the expenses incurred in <sup>County to bear</sup> locating, surveying, marking and staking the same in said <sup>expense.</sup> county. The surveyor shall receive three dollars per day while engaged in locating the same, and the commissioners two dollars per day.

Sec. 4. It shall be the duty of the commissioners to file in <sup>Commissioners</sup> the office of the register of deeds, in each county through which <sup>to file plat.</sup> said [road] passes, a plat of so much of said road as is contained in the respective counties.

Sec. 5. This act shall take effect from and after its passage <sup>when take effect</sup> and approval by the Governor.

Approved, December 24, 1863.

## CHAPTER XXXIV.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM  
YANKTON TO FORT RANDALL.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*

Who to be com-  
missioners.

Section 1. That Washington Reed, J. W. Owens, and Jonathan Brown be, and are hereby appointed commissioners to locate and establish a Territorial road from Yankton, by the way of Smutty Bear Bottom, Bon Homme, Springfield, Brown's crossing of the Choteau, and Greenwood, to the Willows, opposite Fort Randall.

shall meet  
here.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Yankton on or before the first Monday in July next, and proceed to locate said road.

county to bear  
expenses.

Sec. 3. Each county shall pay the expenses incurred in locating the same within its own boundaries.

when take effect

Sec. 4. This act shall take effect from and after its passage.  
Approved, December 22, 1863.

## CHAPTER XXXV.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM  
PACQUETTE'S FERRY TO VERMILION.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*

Who to be com-  
missioners.

Section 1. That Wm. Mathers, Isaiah Bowman and A. Carpenter be and are hereby appointed commissioners to locate, mark, survey and establish a territorial road from Pacquette's ferry, by way of Willow post office, Fourteen Mile House and Elk Point, to Vermilion.

Sec. 2. The said commissioners, or a majority of them, shall <sup>shall meet where.</sup> meet at the house of Wm. Mathers on the first Monday in September, or sooner if convenient, and proceed to locate said road.

Sec. 3. The expenses incurred in surveying, marking, and <sup>County to bear expense.</sup> establishing said road, shall be paid by the several counties through which said road may pass, in proportion to the distance and time employed in locating said road through each county respectively.

Sec. 4. The commissioners and surveyor of said road shall <sup>Per diem of commissioners and surveyor.</sup> each receive two dollars per day for each day actually employed in surveying and establishing said road.

Sec. 5. After the road is surveyed and located, it shall be the duty of the surveyor of said road, on or before the first <sup>Surveyor shall file plat.</sup> Monday in October next, to file in the office of [the] register of deeds of each county through which said road may pass, a plat of so much of said road as passes through the said county.

Sec. 6. This act to take effect from and after its passage and <sup>When take effect</sup> approval by the governor.

Approved, December 30th, 1863.

## CHAPTER XXXVI.

### AN ACT LOCATING A TERRITORIAL ROAD IN CLAY COUNTY.

*Be it enacted by the Legislative Assembly of the Territory of Dakota;*

Section 1. That Frank Taylor, Miles Russell and Gustav Jacobson be, and are hereby appointed <sup>who to be commissioners.</sup> commissioners to survey and locate a territorial road from the town of Vermillion, on the Missouri bottom, at or near Mr. Herrick's hotel, to intersect with the territorial road at or near Wm. Benedicts house, on section No. 15, in township No. 92 north, of range 52 west.

Shall meet  
where.

Sec. 2. The said commissioners shall meet at the store of Miles Russell, on or before the first day of June, A. D. 1864, and shall proceed to locate said road. The surveyor employed by them shall be entitled to receive two and the commissioners one dollar per day for their services while actually employed in locating said road.

Surveyor to file  
plat

Sec. 3. It shall be the duty of the surveyor to file a plat of the same in the office of the register of deeds of said county.

County to bear  
expense.

Sec. 4. The expenses of locating the same shall be paid out of the treasury in said County.

When take effect

Sec. 5. This act shall take effect from and after its passage.  
Approved, January 15, 1864.

## CHAPTER XXXVII.

### AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM J. B. GREENWAY'S FERRY TO HOLDEN BRYNGELSON'S.

Who to be com-  
missioners.

Section 1. That Peter W. Johnson, Henry Anderson and John Stanage are hereby appointed commissioners to locate and establish a territorial road from the said J. B. Greenway's ferry on the east side of the Dakota River, by way of John Stanage's ferry, and from thence the most practicable route to Holden Bryngelson's.

Shall meet  
where.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, to meet at J. B. Greenway's, on or before the first Monday in June next, and proceed to lay out said road.

Yankton county  
to pay expense.

Sec. 3. The county of Yankton shall pay the expenses incurred in locating and surveying, marking and staking the same.

When take effect

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, January 15, 1864.

## CHAPTER XXXVIII.

AN ACT TO ESTABLISH A TERRITORIAL ROAD,  
COMMENCING AT PACQUETTE'S FERRY ON THE  
BIG SIOUX RIVER, BY WAY OF RICHLAND, COM-  
MERCE CITY TO SIOUX FALLS.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota :*

Section 1. That W. W. Brookings, Isaiah T. Gore, and N. G. Curtis be, and are hereby appointed commissioners to locate, mark, survey and establish a territorial road starting at Pacquette's ferry, on the Big Sioux river, thence, via Richland and Commerce City, to Sioux Falls. Who to be commissioners.

Sec. 2. The said commissioners, or a majority of them, shall have until the first day of November next to locate, survey and establish said road. When road to be established.

Sec. 3. Should any of the above commissioners fail to serve, those serving shall have power to appoint substitutes, whose duties shall be the same as herein given to the other commissioners. Vacancies--how filled.

Sec. 4. The expenses incurred in surveying, marking and establishing of said road, shall be paid by the several counties through which the road may pass, in proportion to the distance and the time employed in locating said road through such county respectively. Expense--how paid.

Sec. 5. The commissioners and surveyor of said road, shall each receive two dollars per day for every day actually employed in surveying and locating said road. Per diem of commissioners and surveyor.

Sec. 6. After the said road shall be located, it shall be the duty of the surveyor of said road, on or before the tenth day of December next, to file in the office of register of deeds of Cole county, a plat of so much of said road as passes through said county, and in the office of register of deeds of the county to which the counties of Lincoln and Minnehaha are attached for legislative and judicial purposes, so much of said road as passes through said counties, and in no case shall the county Surveyor to file plat.

to which said counties are attached, be responsible for the expenses incurred.

Approved, December 30, 1864.

## CHAPTER XXXIX.

### AN ACT LOCATING A TERRITORIAL ROAD FROM THE BIG SIOUX RIVER TO YANKTON.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*

Who to be commissioners.

Section 1. That J. O. Taylor, Sidney Goucher and William Shriner be, and [are] hereby appointed commissioners to locate a territorial road commencing at the Big Sioux river, at some point on sec[tion] twenty-eight (28), town ninety-two north, range 49 west; thence by way of the terminus of the bluffs between Brule Creek and the Big Sioux river, by the most practicable route to intersect the county road already laid through Clay county, intersecting the territorial road through Yankton county, located by an act approved January 9, 1863.

Get certain road declared to be territorial road

Sec. 2. Said county road through Clay county is hereby declared a territorial road, and said commissioners shall have power to change the location of said road, as they may think practicable, between the southwest corner of William Shriner's claim and Knut Week's claim on the west side of the Vermilion river.

Surveyor to file plat.

Sec. 3. After said road is surveyed, it shall be the duty of the surveyor of said road, on or before the first Monday in October, A. D. 1864, to place in the office of the register of deeds of each county through which said road shall pass, a plat of so much of said road as passes through said county.

Expenses—how paid.

Sec. 4. The commissioners and surveyor locating said road shall each receive two dollars per day for each day so employ-

ed. Clay county shall pay only for the time spent in changing the location of the road between William Shriner's claim and the claim of K. Weeks.

Sec. 3. This act shall take effect from and after its passage. When take effect  
 Approved, January 12, 1864.

## CHAPTER XL.

### AN ACT REGULATING THE WIDTH OF ROADS.

*Be it enacted by the Legislative Assembly of the Territory of  
 Dakota :*

Section 1. That the width of all territorial and county roads Territorial  
roads—width of  
 not otherwise specified, shall be sixty-six feet.

Sec. 2. All acts and parts of acts conflicting with this act Conflicting acts  
repealed.  
 are hereby repealed.

Sec. 3. This act shall take effect from and after its passage. When take effect  
 Approved, January 14th, 1864.