

allowed to deduct four per cent. of the territorial and county tax collected by him for his services [as county treasurer.]

When treasurer goes out of office.

Sec. 58. When any treasurer goes out of office, he shall make a full and complete settlement with the county commissioners, and shall deliver all books, papers, moneys, and all other property appertaining to his office, to his successor, taking his receipt therefor.

Officer failing to comply with this act.

Sec. 59. Any officer neglecting or refusing to comply with this act, for whose negligence no other penalty is provided by this act, shall be liable to a fine not exceeding one thousand dollars, to be prosecuted by the district attorney for the benefit of common schools.

Penalty.

Sec. 60. All acts inconsistent with this act are hereby repealed.

Sec. 61. This act shall take effect and be in force from and after its passage and approval.

Dates mentioned in act extended three months.

Sec. 60. That for the purpose of bringing this act into immediate practical operation for the present year, the dates herein specified for the performance of any duty by the proper officers shall be extended, each, three months throughout the year 1866.

Acts repealed.

Sec. 61. All acts and parts of acts in conflict with this act, are hereby repealed.

When to take effect.

Sec. 62. This act shall take effect and be in force from and after its passage and approval.

Approved, January 12th, 1866.

ROAD SUPERVISORS.

CHAPTER 25.

An Act to Provide for the Appointment of Road Supervisors, and to Prescribe the Duties of the Same.

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

Commissioners to apportion counties into road districts.

Section 1. That at the annual meeting of the county commissioners in January or as soon thereafter as practicable, it

shall be the duty of the board of county commissioners of each of the organized counties of this territory, to apportion their respective counties into one or more road districts, and to appoint a road supervisor for each of said districts, who shall hold his office for one year from the date of his appointment, and shall take an oath and give a bond to the county in the sum of one hundred dollars for the discharge of his duties.

To appoint road supervisor.

Shall take oath and give bond.

Sec. 2. It shall be the duty of each supervisor of roads to obtain the names and make out a list of all male persons between the ages of twenty-one and fifty years, residing within his road district, which list shall be completed on or before the first day of April in each year, and in case any person as aforesaid shall locate in his road district after the said first day of April, the supervisor shall enroll his name and he shall be liable to labor on the road at the same time and in the same manner that those originally enrolled *or* [are] liable to labor; but any person who has labored in one year in any road district and has a certificate thereof, shall be credited with the labor as performed in the same manner as though the labor had been performed in the district in which he resides.

Duties of supervisor.

Sec. 3. Every male person between the age of twenty-one and fifty years, who is able to perform manual labor shall be subject to labor, or furnish some person to labor two days in each year on the roads within his road district at a time and place directed by the supervisor of roads.

Who liable to labor on roads.

Sec. 4. The said supervisor of roads, shall order out every person subject to road labor as aforesaid, between the first days of April and December annually to perform the work necessary on the public roads within his road district, and if any person subject to labor on the roads as aforesaid shall after being notified by the supervisor either personally or by leaving a written notice at his usual place of residence, refuse or neglect, having had three days previous notice to attend by himself or suitable substitute, on the day and at the hour and the place mentioned, or having attended shall refuse to obey the direction of the supervisor or shall pass time in idleness and inattention to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall so refuse or neglect to attend or labor, the sum of two dollars to be recovered in a

Supervisor to order out persons liable to labor, when.

Persons refusing to comply after notification by supervisor.

Penalty therefor.

civil action before any justice of the peace having competent jurisdiction, at the suit of the road supervisor within whose road district such delinquent may reside, together with the costs of suit, and all moneys thus collected shall be paid over to the county treasurer and credited with road fund of said district.

When supervisor or authorized to receive commutation for labor.

Sec. 5. Whenever it shall happen that in consequence of sickness, absent from home, press of business or other good cause, a person cannot or does not attend to labor at the time or place appointed and the person is willing to perform or cause to be performed the labor required, the supervisor is authorized to raise as commutation from such person, the sum of two dollars for each day's labor required, and to employ a substitute with the said sum or pay the same into the county treasury for the district road fund, as in his judgment shall seem best.

Supervisor to make annual report to commissioners. What to contain

Sec. 6. On or before the first Monday of January of each year the road supervisor shall make report to the board of county commissioners of his doings the preceding year, the amount of labor performed, the number of delinquents, the amount of money collected for fines and commutation, the amount of funds remaining in his hands to the credit of said road district, the number of days labor necessarily performed by himself in the discharge of his duties, and the county commissioners shall thereupon issue a county warrant to the supervisor for such services at two dollars a day, payable from the common road fund in the county treasury, belonging to said road district. And the said treasurer before paying said warrants, shall receive from the said supervisor the amount of road fund found remaining in his hands, by his settlement with the county commissioners, and he shall file with said treasurer the approval of his report by the said board of county commissioners.

Compensation to supervisor.

To file approval of report with treasurer.

Persons petitioning for county road, to give notice. Manner of giving notice.

Sec. 7. Any person petitioning to the county commissioners for a county road or for a change in an established county road shall at least twenty days prior to the meeting of said commissioners, give notice of his intention so to petition by posting up in not less than three of the most public places within the county where such application is to be made, at

least one of which notices so posted shall be in each road district in which the proposed road or any part thereof is to be situated or where such change is to be made ; said notices shall state the time at which said petition will be presented and describe the road or change of road prayed for.

Sec. 8. This act shall take effect and be in force from and after its passage and approval. When to take effect.

Approved, January 11th, 1866.

ROADS

CHAPTER 26.

An Act to Establish a Territorial Road from the Big Sioux River to Yankton, on the Line recently surveyed by the Government for the Location of the Sioux City and Fort Randall Wagon Road.

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

Section 1. That the following field notes of the survey of the Government wagon road from Sioux City to Fort Randall, be and the same are hereby adopted and established as the survey of a territorial road in the counties of Union, Clay and Yankton, which shall be eighty feet in width throughout its entire length, and shall be opened, worked and repaired as provided for other territorial roads under the direction of the board of county commissioners in the said respective counties of Union, Clay and Yankton. Road designated by field notes.

Sec. 2. Beginning at a post in mound on west bank of Big Sioux river, fixed for the location of the Government bridge over said stream, thence as follows by the magnetic meridian : To be eighty feet wide.

UNION COUNTY.

Station 1 north, 49° west—1309 feet to a post in mound of earth.

" 2 north, 43° 30' west—5 miles and 1684 feet to post in mound.

" 3 north, 47° 15' west—1 mile and 315 feet to post in mound. Under direction of county commissioners.

Field notes in Union county.