

ROAD SUPERVISORS.

CHAPTER XXIX.

AN ACT RELATING TO ROAD SUPERVISORS.

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

Section 1. That at the annual meeting of the county commissioners in January of each year, 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, where such county is not at present formed into townships and shall appoint for each district a road supervisor, who shall hold his office until the first of January succeeding his appointment and shall take an oath to faithfully discharge his duties as such road supervisor.

Division of
counties into
road districts

Sec. 2. In all counties that are organized into townships there shall at the general annual election in each township be elected a road supervisor for such township, who shall hold office for the term of one year from the first of January succeeding his election, and shall take an oath to faithfully discharge his duties as such road supervisor.

Election of road
supervisors

Sec. 3. The board of county commissioners of each county shall have power to fill all vacancies, and shall fill all vacancies that may occur for any reason in the office of road supervisor.

Board of county
commissioners
to fill vacancies

Sec. 4. It shall be the duty of the assessor of each township to obtain the names and make out a list of all male persons between the ages of twenty-one and fifty years, residing within each road district, which list shall be completed on or before the first day of March in each year, and in case any person as aforesaid shall locate in any road district after the

Assessor to
make out list of
non residents

first day of March, the assessor shall enroll his name and he shall be liable to labor on the road at the same time and in the manner that those originally enrolled are liable to labor, but any person who has labored that 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.

Who to perform
labor on road

Sec. 5. Every male person between the age of twenty-one and fifty years, who is able to perform manual labor, shall be subject to labor one day in each year on the road within his road district, at a time and place directed by the road supervisor.

When work to be
performed

Sec. 6. The said road supervisors 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.

County commis-
sioners to levy
tax

Sec. 7. It shall be the duty of the county commissioners of each county to levy a tax annually of one dollar and fifty cents to each able bodied male person between the ages of twenty-one and fifty years, in each township or county, and in their discretion may levy a further tax not exceeding two mills on the dollar of the property on the assessment rolls of such county to be applied as a road tax; the person thus assessed shall pay the same in the manner and at the same time that the annual taxes of the county are paid;

Provided, however, That said tax so assessed may be worked out in the road district in which such person resides or such real estate lies, and the said tax assessed on personal property in the district where the owner thereof resides at the rate of one dollar and fifty cents per day. The road supervisor shall obtain a list of all road tax assessed on each individual, and his certificate for the amount worked out shall be taken by the collector or treasurer of the county in payment of said tax.

Provided further, That if any person shall perform labor as required in section five (5) of this act, the certificate of the road supervisor to that fact shall be in full of the tax of one dollar and fifty cents above provided.

How money to
be expended

Sec. 8. In case such tax is assessed as provided for in section seven of this act, and collected, such board of county com-

missioners shall order the expenditures thereof in the improvement of the highways, paying the road supervisors, purchasing implements, and repairing bridges in each district under such regulations as they may deem most expedient for the public interest, and for this purpose shall order the payment of such sum by the treasurer to the parties performing such labor upon the certificate of the road supervisor.

Sec. 9. All monies collected under the provisions of this ~~Same~~ ^{act} shall be expended in the road district in which the person resides when it is a personal tax, or a tax on personal property; and where the real estate is situate, where it is a tax on real estate.

Sec. 10. On or before the First Monday of January of each year, the road supervisors shall make report to the board of county commissioners of his doings the preceding year, the ~~amount~~ ^{Road supervisor to make report} of labor performed, the number of days labor necessarily performed by himself in ~~this~~ [the] discharge of his duties, and the county commissioners shall thereupon issue a county warrant to the supervisor for such service at two dollars a day, payable from the common road fund in the county treasury belonging to said road district.

Sec. 11. Every person who shall be elected or appointed a road supervisor according to the provisions of this act, and shall fail, refuse or neglect to qualify as such road supervisor for thirty days after having been duly notified of his election or appointment by the register of deeds of the county, shall be ~~fin~~ ^{Penalty for refusing to qualify}ed the sum of ten dollars, to be collected by a complaint made before a justice of the peace of the county, and shall pay all the costs of the prosecution, which fines shall go to the road fund of the district in which he resides.

Sec. 12. Chapter twenty-five (25) of the session laws of 1865-66, and all other acts in conflict with the provisions of this act are hereby repealed. ^{Certain chapters repealed}

Sec. 13. This act shall take effect and be in force and effect from and after its passage and approval. ^{When to take effect}

Approved, January 8, 1868.