

TERRITORIAL ROADS.

CHAPTER XL.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM YANKTON TO FORT THOMPSON.

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

SECTION 1. That Joseph Ellis, Ogden Marsh, Bruno Con-
Names of
commissioners. oger, O. B. Orton and H. G. Anderson be, and they are here-
by appointed commissioners to locate and establish a Terri-
torial road from Yankton to Fort Thompson, via Starrs
Ranche, Choteau creek, at or near the ranche of Charles
Brazeau; ranche of Joseph Ellis and Cathbert Du Charme
(Pappina); ranche of Felicia Dallas, and thence by the most
direct and practicable route to Fort Thompson.

Duty and
powers of com-
missioners. "SEC. 2." It shall be the duty of said commissioners, or a ma-
jority of them, to meet at the city of Yankton on the first day
of June next, and proceed to locate said road. But in case a
majority of said commissioners do not meet as herein provid-
ed, it shall be the duty of those present at such meeting, and
they shall have full power to file said commission, and shall

proceed without delay to locate the same, and make and plot and file the same in the office of the register of deeds of the several counties through which said road passes, or to which the same may be attached for election purposes; and said commissioners shall have from the first day of June aforesaid to the first day of August thereafter to complete the location and establishment of said road.

SEC. 3. The said commissioners shall have full power to appoint substitutes who shall in all respects possess the same powers, rights and privileges, and whose duties shall be the same as the commissioners herein named. Commissioners may appoint substitutes.

SEC. 4. Said commissioners shall have power to employ all necessary help for the location and establishment of said road, and shall be paid at the rate of three dollars per day and expenses while necessarily employed in making said location. Commissioners may employ help.

SEC. 5. The expenses incurred in locating, surveying, marking and staking and filing as aforesaid, shall be paid by the respective counties through which such road shall pass, in proportion to the amount incurred within the same. By whom expenses shall be paid.

SEC. 6. This act shall take effect immediately upon its passage and approval by the Governor. To take effect.

Approved, January 13th, 1871.

CHAPTER XLI.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM THE TOWN OF CANTON, IN LINCOLN COUNTY, TO THE CITY OF YANKTON, DAKOTA TERRITORY.

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

SECTION 1. That J. Q. Fitzgerald, J. W. Turner and B. S. Names of commissioner.

Gillespie be, and they are hereby appointed commissioners to locate a Territorial road as follows, to wit: Commencing at the west end of the street between blocks thirteen (13) and twenty (20) in the town of Canton, Lincoln county, Dakota Territory; thence running west and south to a point on the Vermillion river about two miles below the mouth of Turkey Ridge creek; from thence on the nearest practical route to the bridge on the Dakota river, four miles northeast of Yankton, to intersect the Territorial road from the town of Vermillion to Yankton.

When and where commissioners shall meet.

SEC. 2. It shall be the duty of said commissioners, or a majority of them to meet at the house of J. Q. Fitzgerald on or before the first Monday of June, A. D. 1871, and proceed with a competent surveyor and other necessary help to locate said road.

By whom expenses shall be paid

SEC. 3. The expenses incurred in surveying, marking and establishing the said road shall be paid by the several counties through which said road shall pass in proportion to the distance and time employed in locating said road through such counties respectively.

Compensation of Commissioners.

SEC. 4. The surveyor shall be entitled to receive three dollars per day, and the commissioners shall each be entitled to receive three dollars per day while necessarily engaged in surveying and locating the same.

Commissioners to report, when and how.

SEC. 5. Said commissioners shall make report of the location and cost of said road and cause a copy of the same to be filed in the office of the Secretary of the Territory on or before the first day of July, A. D. 1871, and it shall be the duty also of said commissioners to file in the office of register of deeds in each county through which said road shall pass, a plat of so much of said road as is contained within the boundaries of the respective counties.

To take effect when.

SEC. 6. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, January 11th, 1871.

CHAPTER XLII.

AN ACT CHANGING, VACATING AND ESTABLISHING A TERRITORIAL ROAD IN UNION COUNTY.

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

SECTION 1. That W. S. Sargent, Thomas Robinson and P. X. Oriley be and they to survey, mark and establish a Territorial road from the north line of Union county to the Big Sioux river, established under act of 1864 and 1865 at a point, where said Territorial road crosses the section line between sections twenty-five (25) and twenty-six (26) in township ninety-three north of range forty-nine; thence south on section line to the north boundary of township 79, range 49; thence in a southwesterly direction to a point on said Territorial road, one-half mile south of the north boundary line of township 93, range 49. Names of commissioners.

SEC. 2. That so much of said Territorial road located under the act mentioned in section one of this act as is hereinafter described, is hereby declared vacated, to wit: Commencing at a point where said Territorial road crosses the section line between sections 25 and 26 in township 93, range 49, to a point on said road one-half mile south of the north boundary line of township 93, range 49. Part of territorial road vacated.

SEC. 3. It shall be the duty of the commissioners mentioned in section one of this act, or a majority of them, to meet at the house of W. S. Sargent on or before the first day of March, A. D. 1871, and proceed with a competent surveyor to locate said road. Duty of commissioners.

SEC. 4. The county of Union shall pay the expenses incurred in locating, surveying, marking and staking the same. That the surveyor shall receive three (3) dollars per day while engaged in locating said road, and the commissioners two (2) dollars per day. Expenses to be paid by Union county.

Commissioners shall file plat.

SEC. 5. It shall be the duty of the commissioners to file in the office of the register of deeds of Union county a plat of the Territorial road provided for in this act.

When to take effect.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved, January 12th, 1871.

CHAPTER XLIII.

AN ACT TO PROVIDE FOR KEEPING IN REPAIR A TERRITORIAL ROAD FROM YANKTON TO SIOUX FALLS, D. T.

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

Names of commissioners to locate Sioux Falls & Yankton road.

SECTION 1. That Amos O. Bursem, W. W. Aurner and John McClellan, be and are hereby appointed commissioners to keep in repair a Territorial road from Yankton *via* Swan Lake to Sioux Falls.

When to repair road.

SEC. 2. It shall be the duty of the said commissioners before the first day of July A. D. 1871, to repair said road and to construct a bridge across Clay creek or any other streams or slough where it shall be necessary to make the said road practicable.

Compensation

SEC. 3. Said commissioners shall receive a compensation of two dollars for each day actually employed in repairing said road and constructing bridges thereon, and shall have authority to employ such help as they may deem necessary.

County to pay expenses.

SEC. 4. That the expense incurred thereby shall be paid out of the county treasury of each county through which said road passes, in proportion to the time employed in each.

When to take effect.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Approved, January 12th, 1871.

CHAPTER XLIV.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM OPPOSITE
THE MOUTH OF THE ROCK RIVER, IN UNION COUNTY, TO
YANKTON, DAKOTA TERRITORY.

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

SECTION 1. That N. Hickson, Edward Monday, and Adam Scott, be and are hereby appointed commissioners to locate, mark, survey and establish a Territorial road starting from opposite or near where the Rock river of Iowa flows into the Big Sioux river; thence across the county west and south to Bloomingdale, and then by the most practicable route to Yankton.

Names of
commissioners
of Rock river
and Yankton
road.

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

*When to have
road located.

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.

May appoint
substitutes.

SEC. 4. The expenses incurred in the 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 time in locating said road through such counties respectively.

Expenses.
how paid.

SEC. 5. The commissioners and surveyor of said road shall each receive three dollars per day for every day actually and necessarily employed in surveying and establishing said road.

Compensation

SEC. 6. After the said road shall have been located it shall be the duty of the surveyor of said road on or before the 15th day of December next, to file in the office of register of deeds in each county through which said road passes, a plat of so much of said road as is contained within the boundaries of the respective counties.

Surveyor to
file plat.

Approved, January 13th, 1871.