

## ROADS.

### CHAPTER 70.

#### AN ACT RELATIVE TO THE LAW OF ROADS AND THE REGULATIONS OF PUBLIC CARRIAGES.

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

SECTION 1. Whenever any persons shall meet each other on any bridge or road, travelling with carriages, wagons, sleds, sleighs, or other vehicle, each shall pass to the right of the middle of the travelled part of such bridge or road, so that the respective carriages, or other vehicles aforesaid, may pass each other without interference. Vehicles keep to the right in meeting each other.

SECT. 2. Every person offending against the provisions of the preceding section shall, for each offence, forfeit a sum not exceeding twenty dollars, and shall also be liable to the party injured for all damages sustained by reason of such offence. Person offending. Penalty.

SECT. 3. No person owning or having the direction or control of any coach or other vehicle, running or travelling upon any road in this territory, for the conveyance of passengers, shall employ or continue in employment any person to drive such coach or other vehicle, who is addicted to drunkenness, or to the excessive use of intoxicating liquors, and if any such person shall violate the provisions of this section, he shall forfeit a sum not less than ten and not exceeding fifty dollars, and shall be liable for all damages sustained. No intemperate driver to be employed. Penalty.

SECT. 4. It shall not be lawful for the driver of any carriage or other vehicle used for the conveyance of passengers, to leave the horses attached thereto while any passenger remains in or upon the same, without making such horses fast with a sufficient halter, rope, or chain, or without some suitable person to take the charge or guidance of them, so as to prevent their running; and if any such driver shall violate the provisions of this section, he and his employer or em- Animals to be tied, when. Penalty.

ployers, jointly and severally, shall forfeit a sum not exceeding twenty dollars; but no prosecution shall be commenced therefor after the expiration of three months from the time of committing the offence.

Owners liable  
for damages.

SECT. 5. The owners of every carriage or other vehicle, running or travelling upon any road or public highway, for the conveyance of passengers for hire, shall be liable, jointly and severally, to the party injured, in all cases, for all damages done by any person in the employment of such owners as a driver, while driving such carriage, to any person, or to the property of any person, whether the act occasioning such injury or damage be wilful, negligent, or otherwise, in the same manner as such driver would be liable.

Take effect,  
when.

SECT. 6. This act to take effect from and after its passage.

Approved May 5, 1862.

W. JAYNE, *Governor*.

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## CHAPTER 71.

AN ACT CONFERRING POWERS UPON THE BOARD OF  
COUNTY COMMISSIONERS RESPECTING ROADS.

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

Duties concern-  
ing roads.

SECTION 1. That it shall be the duty of the board of county commissioners of the several counties of this territory, to divide their respective counties into convenient road districts; to appoint a road supervisor in each district, and to make all needful rules and orders for the opening and working of all roads in said counties; for the building and repairing of bridges; respecting the duties of road supervisors, and all other matters pertaining to roads in their respective counties. Said commissioners may also hear petitions for county roads, order the location of such roads, and appoint commissioners to survey, view, and locate the same.

Take effect,  
when.

SECT. 2. This act shall take effect from and after its passage, and approval by the governor.

Approved May 14, 1862.

W. JAYNE, *Governor*.

**CHAPTER 72.**AN ACT TO ESTABLISH THE WIDTH OF TERRITORIAL  
AND COUNTY ROADS.

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

SECTION 1. That all territorial roads not otherwise speci- Width of terri-  
torial roads.  
fied, shall be and are hereby required to be eighty feet wide.

SECT. 2. All county roads not otherwise specified, shall be Width of  
county roads.  
and are hereby declared to be eighty feet wide.

SECT. 3. This act shall take effect from and after its pas- Take effect,  
when.  
sage, and approval by the governor.

Approved April 10, 1862.

W. JAYNE, *Governor.*

**CHAPTER 73.**

## AN ACT TO ESTABLISH CERTAIN TERRITORIAL ROADS.

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

SECTION 1. That John R. Wood, William Frisbie, and Commissioners  
for road com-  
mencing opposite  
Ponka.  
B. M. Smith, be and are hereby appointed commissioners to  
locate, mark, survey, and establish a territorial road starting  
from a point on the Missouri river, nearly opposite Ponka,  
Nebraska Territory; thence, via Elk point, Brule creek, and  
Commerce city, to Sioux falls.

SECT. 2. That B. Fowler, Barclay Jarrett, and B. Oleson Commissioners  
for road com-  
mencing at  
Yankton.  
be and are hereby appointed commissioners to locate, mark,  
survey, and establish a territorial road from Yankton to  
Sioux Falls city, thence to the state line of Minnesota in the  
direction of New Ulm.

SECT. 3. The said commissioners, or a majority of them, How long a  
time to perform  
duties.  
shall have until the first day of November next to locate,  
survey, and establish said road.

If commission-  
ers fail to serve.

SECT. 4. Should any of the above-named 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.

Expenses, how  
paid.

SECT. 5. The expenses incurred in the surveying, marking, and establishing of said roads, shall be paid gratuitously by those interested in the establishment of the same.

Surveyor to  
file plat.

SECT. 6. After the said roads shall be surveyed and located, it shall be the duty of the surveyor of said roads, on or before the first day of December next, to file, in the office of the register of deeds of each county through which said road or roads may pass, a plat of so much of said road as passes through said county.

Take effect,  
when.

SECT. 7. This act to take effect from and after its passage.

Approved April 10, 1862.

W. JAYNE, *Governor.*

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## CHAPTER 74.

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

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

Commissioners.

SECTION 1. That John Stanage, Austin Cole, and Hugh Compton, be and are hereby appointed commissioners to locate, mark, survey, and establish a territorial road from Yankton by the way of Vermilion, Elk point, and Willow post-office, thence diverging, one branch to terminate at a point on the Big Sioux river at or near the dwelling-house of John McBride in section 22, in township 89, north of range 48 west, and the other branch of said road to terminate at a point on the Big Sioux river at or near the dwelling-house of Austin Cole and F. M. West in section 2, in township 89, north of range 48 west.

Meet where  
and when.

SECT. 2. The said commissioners, or a majority of them, shall meet at the town of Yankton on the first Monday of

August, A. D. 1862, at the hour of 2 o'clock, P. M. of said day, and thence proceed to locate, survey, and mark said road.

SECT. 3. In case a majority of the above-named commissioners should fail to convene on the day as provided in section two, it shall be the duty of the commissioners that may be in attendance on the day as specified, to appoint substitutes, whose duties and powers shall be the same as herein given to the other commissioners. If majority not present.

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

SECT. 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. Compensation.

SECT. 6. After the said road shall be surveyed and located, it shall be the duty of the surveyor of said road, on or before the tenth day of September 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 said county. Surveyor to file plat.

SECT. 7. This act to take effect from and after its passage, and approval by the governor. Take effect, when.

Approved April 5, 1862.

W. JAYNE, Governor.

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## CHAPTER 75.

AN ACT TO ESTABLISH A TERRITORIAL ROAD FROM THE BIG SIOUX RIVER, BY WAY OF BRULE CREEK, VERMILION, AND INTERSECT THE ROAD FROM SIOUX CITY TO YANKTON.

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

SECTION 1. That Ole Anderson, Louis Johnson, and William Frisbie, be and they are hereby appointed commissioners to locate a territorial road, commencing at or near the hotel Commissioners.

of S. B. Mulholland, in the town of Vermilion, and running up a ravine north-east of said house to a point near the residence of A. P. Eckels; thence east on the best and most direct route via Brule Creek to the Big Sioux river, near the house of M. M. Rich.

Meet, when  
and where.

SECT. 2. It shall be the duty of the said commissioners to meet at the house of William Frisbie, on or before the first of July, 1862, and proceed, with a competent surveyor and other necessary help, to locate said road.

Make and file  
report.

SECT. 3. Said commissioners shall make a report of the location of said road, subscribed by them, 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 September, 1862.

Take effect,  
when.

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

Approved May 14, 1862.

W. JAYNE, *Governor.*

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## CHAPTER 76.

### AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD.

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

Commissioners. SECTION 1. That William Benedict, J. Whitchorn, and Gustaf Jacobson, are hereby appointed commissioners to survey, stake, and locate a "territorial road," commencing on section No. 15, in township No. 92, north of range No. 52 west, near the house of William Benedict; thence westerly, by the nearest and most practicable route, to the town of Yankton.

Take effect,  
when.

SECT. 2. This act shall take effect from and after its passage, and approval by the governor.

Approved April 24, 1862.

W. JAYNE, *Governor.*

## CHAPTER 77.

AN ACT TO ESTABLISH A TERRITORIAL ROAD FROM THE  
TOWN OF VERMILION TO YANKTON.

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

SECTION 1. That George Pratt, Ole Botlfson, [and] O. B. Commissioners.  
Wheeler, be and they are hereby appointed commissioners to  
locate a territorial road, commencing at a point near the resi-  
dence of H. Compton, in the town of Vermilion, running  
nearly north, to a grove formerly claimed by T. W. Jewell,  
thence crossing the Vermilion river, and striking Clay creek  
near the residence of J. Seiverson, thence along the bluffs to  
the ferry of J. B. Greenway, on Dakota river, thence to Yank-  
ton.

SECT. 2. It shall be the duty of the commissioners, or a Meet, when  
and where.  
majority of them, to meet at the house of George Pratt on or  
before the first day of September, A. D. 1862, and proceed  
with a competent surveyor to locate said road, and to select a  
person to fill the commission.

SECT. 3. Each county shall pay the expenses incurred in Expenses, how  
paid.  
locating, surveying, marking, and staking the same in the said  
county.

SECT. 4. The surveyor shall be entitled to receive two Compensation.  
dollars and fifty cents per day, while engaged in locating the  
same. It shall be the duty of the commissioners to file in the Plat filed.  
office of the register of deeds in each county through which  
said road passes, a plat of so much of said road as is contained  
in the respective counties.

SECT. 5. This act shall take effect and be in force from Take effect,  
when.  
and after its passage.

Approved May 13, 1862.

W. JAYNE, *Governor.*

## CHAPTER 78.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD  
FROM YANKTON, VIA SMUTTY BEAR'S CAMP, BON HOMME,  
SPRINGFIELD, AND NESHUDA, TO THE MOUTH OF CHO-  
TEAU CREEK.

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

- Commissioners.**    **SECTION 1.** That Henry Brooks, C. C. Cooper, and Samuel Mortimer, be and they are hereby appointed commissioners to locate and establish a territorial road from Yankton, via Smutty Bear's Camp, Bon Homme, Springfield, and Neshuda, to the mouth of Choteau creek.
- Meet, when and where.**    **SECT. 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 June next, and proceed to locate said road.
- Their powers.**    **SECT. 3.** Said commissioners shall have power to employ all necessary help for the location of said road, and that said commissioners be paid at the rate of two dollars per day, while necessarily engaged in making the said location.
- Expenses, how paid.**    **SECT. 4.** Each county shall pay the expenses incurred in locating, surveying, marking, and staking the same in the said county.
- If majority do not meet.**    **SECT. 5.** If a majority of the commissioners do not meet at the time prescribed, it shall be the duty of such as are there, to fill the commission and proceed to locate the same, and mark, and plat, and file the same, in the county clerk's office of the county through which it passes.
- Take effect, when.**    **SECT. 6.** This act shall take effect immediately upon its passage, and approval by the governor.

Approved April 5, 1862.

W. JAYNE, *Governor.*