

Provided, That but one appointment shall be made under the provisions of this act.

Sec. 2. This act shall take effect from and after its passage. When to take effect.

APPROVED, Dec. 29th, 1864.

ROADS.

CHAPTER XXI.

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

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

Section 1. Franklin Taylor, John W. Boyle and Benjamin Shepherd be and they are hereby appointed commissioners to survey and locate a territorial road, commencing on the east line of Clay county, at a point that will intersect the road from Pacquett's ferry, on the Sioux river, running on the bottom to Vermillion, in Clay county, thence westwardly, on the most direct course, to intersect the territorial road at William Benedict's in said Clay county, in township number 92 north, of range 52 west. Commissioners to lay out a road.

Sec. 2. The said commissioners shall meet at the house of Jesse L. Fisher, at Greenpoint on or before the first day of June, A. D. 1865, and shall proceed to survey and locate said Commissioners to meet—free.

road. The surveyor employed by them shall be entitled to receive a reasonable compensation, not exceeding four dollars per day and the commissioners two dollars per day, for such time as is actually expended in surveying and establishing said road.

Surveyor to file
a plat.

Sec. 3. It is hereby made the duty of the surveyor to file a plat of the same in the office of the register of deeds of said county, on or before the fourth day of July, A. D., 1865.

Expense, how
paid

Sec. 4. The expenses of locating said road shall be audited by the county commissioners, and paid by the treasurer of said county out of any funds not otherwise appropriated.

When to take
effect.

Sec. 5. This act shall take effect from and after its passage and approval by the Governor.

APPROVED, January 12th, 1865.

CHAPTER XXV.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM THE NORTH LINE OF UNION COUNTY TO THE BIG SIOUX RIVER.

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

Location of
road.

Section 1. That Jefferson Cleveland, Lewis Beaubien, and I. T. Gore be and are hereby appointed commissioners to locate, mark, survey and establish a territorial road from the north line of Union county by way of the valley of the Big Sioux river to the Missouri river at or near the point where the north line of section fourteen, township eighty nine, north of range forty-nine west, intersects the Missouri river, thence by the most practicable route to a point on the Big Sioux river near the house of Mathias Mitchel.

Sec. 2. The said commissioners or a majority of them shall

meet at the house of Lewis Beaubien on the first Monday of November next or sooner if convenient, and proceed to locate said road. Time of meeting

Sec. 3. The expenses incurred in surveying, marking and establishing said road shall be paid by the county of Union. Expense, how paid.

Sec. 4. After the road is surveyed and located, it shall be the duty of the surveyor of the same on or before the first Monday in December next to file in the office of the register of deeds of Union county a plat of said road. Surveyor to file plat.

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

Sec. 6. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. Conflicting acts repealed.

Sec. 7. This act shall take effect from and after its passage and approval by the Governor. When to take effect.

APPROVED, January 13th, 1865.

CHAPTER XXII.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM EMMANUEL CREEK TO SPRINGLAKE, THENCE TO PONCA AGENCY AND KERLER'S TRADING POST, AT THE MOUTH OF THE KEHA PAHA.

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

Section 1. That the persons herein named in section second of this act, are hereby appointed commissioners to locate, mark and survey a territorial road from Emanuel creek, commencing at Rouse's station, and running to Spring Lakes, thence to Location of road.

Ponca Agency, thence to Kerler's trading post, at the mouth of the Keha Paha.

**Commissioners
to lay out road.**

Sec. 2. That John Rouse and E. W. Wall and C. V. Cooper are hereby appointed commissioners to locate so much of said road as passes through the county of Bon Homme and that James Keegan and C. N. Young and G. W. Howe are appointed to locate so much of said road as passes through the county of Todd. The commissioners for Bon Homme shall meet at the residence of John Rouse on or before the first Monday in June 1865, and proceed to locate so much of said road as passes through said county. The commissioners of the county of Todd shall meet on the first Monday in June, 1865, and proceed to locate and establish so much of said road as passes through the county of Todd. The commissioners herein named shall have power to appoint substitutes, whose duties shall be the same as herein given to the commissioners.

passes, how

Sec. 3. The expenses incurred in surveying, marking and striking and establishing said road shall be paid by the respective counties through which such road shall pass, each county paying the expense of locating so much of said road as leads through the same.

Compensation.

Sec. 4. 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.

**Surveyor to file
plat.**

Sec. 5. After 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, 1865, to file in the office of the register of deeds a plat of so much of said road as passes through each county.

**When to take
effect.**

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

APPROVED, January 12th, 1865.

CHAPTER XXIII.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL
ROAD IN BON HOMME COUNTY.

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

Section 1. The persons herein named in section second of ^{Commissioners} this act, are hereby appointed commissioners to locate, sur- ^{appointed.}vey and mark a territorial road from the west line of Yankton county, on the mail route from Yankton to Fort Randall, by the way of W. A. Burleigh's residence, Bon Homme, to Rouse's station, on Emanuel creek, to intersect a territorial road from Emanuel creek to Spring Lakes.

Sec. 2. That J. W. Owens, G. A. Fisher and C. Philbrick, ^{Compensation} are hereby appointed commissioners, or a majority of them, who ^{of commission-} shall meet at the residence of G. A. Fisher, in Bon Homme, on ^{ers and survey-} or before the second Monday of June, A. D., 1865, and proceed ^{or.} to locate and establish said road. The commissioners and surveyor, shall each receive for their services three dollars per day and that all other expenses actually incurred in locating said road shall be borne by the county of Bon Homme.

[Sec. 3. This act shall take effect from and after its passage ^{When to take} and approval by the governor.] ^{effect.}

APPROVED, January 13th, 1865.

CHAPTER XXIV.

AN ACT TO LOCATE A TERRITORIAL ROAD FROM PACQUETT'S FERRY TO [THE EAST LINE OF CLAY COUNTY] VERMILLION.

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

- Commissioners appointed.** Section 1. That Levi Cross, Charles Le Brecche and Joseph Shayer, be and are hereby appointed commissioners to locate, mark, survey and establish a territorial road from Pacquett's ferry, by way of Willow Post Office, Fourteen Mile House and Elk Point to the east boundary line of Clay county, with a branch from the main line to a point on the Big Sioux opposite Theopolis Bruguiers house.
- Time of meeting** Sec. 2. The said commissioners, or a majority of them shall meet at the house of Charles Le Brecche, on or before the first Monday in September next and proceed to locate said road.
- Union county to pay expenses.** Sec. 3. The expenses incurred in surveying, marking and establishing said road shall be paid by the county of Union.
- Compensation of commissioners and surveyor.** Sec. 4. The commissioners and surveyor of said road shall each receive two dollars per day for each day employed and [in] surveying and establishing said road.
- Surveyor to file Plat.** Sec. 5. After the road is surveyed and located it shall be the duty of the surveyor of the same, on or before the first Monday in October next, to file in the office of the register of deeds of Union county, a plat of said road.
- Conflicting acts repealed.** Sec. 6. All acts and parts of acts conflicting with this act are hereby repealed.
- When to take effect.** Sec. 7. This act to take effect from and after its passage and approval by the governor.

APPROVED, January 11th, 1865.

CHAPTER XXVI.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL
ROAD FROM THE MOUTH OF THE RUNNING WATER
VIA THE MOUTH OF PONCA CREEK TO FORT RAN-
DALL, D. T.

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

Section 1. That John Dillon and James Kegan and Geo. <sup>Commissioners
to locate road.</sup> Howe, be and they are hereby appointed commissioners to locate and establish a territorial road from the mouth of the Running Water via the mouth of Ponca creek to Fort Randall, Dakota Territory.

Sec. 2. It shall be the duty of said commissioners, or a ma- ^{When to meet.} jority of them to meet at the house of Franklin Donley, near the mouth of the Running Water, on or before the (10) tenth of October, 18[6]55, and proceed to locate said road.

Sec. 3. The county shall pay expenses incurred in locating, <sup>County to pay
expenses.</sup> surveying, marking and staking the same in said county.

Sec. 4. This act shall take effect and be in force from <sup>When to take
effect.</sup> and after its passage and approval by the Governor.

APPROVED, December 1st, 1864.

CHAPTER XXVII.

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

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

County road declared territorial, and commissioners appointed to continue the locating

Section 1. That the county road already located through Clay county, intersecting the territorial road through Yankton county, located by an act approved January 9th, 1863, is hereby declared a territorial road, and that A. Carpenter, James Fate and Carl Kingsley are hereby appointed commissioners to change said road as they may think practicable, between the southwest corner of William Shriner's and Knut Weeks' claim, on the west side of the Vermillion river. The said commissioners are also empowered, "and it is made their duty," to continue the locating and establishing of said road from the place where the county road intersects the western boundary line of Union county, thence by the way of the terminus of the bluffs between Brule Creek and Big Sioux River, intersecting the Big Sioux River at some point on section twenty-eight (28), township ninety-two north, range forty-nine west of the fifth principal meridian.

Surveyor to file plat.

Sec. 2. After said road is surveyed it shall be the duty of the surveyor of said road, on or before the first Monday in November, A. D., 1865, to place in the office of 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.

Fees.

Sec. 3. The commissioners and surveyor locating said road, shall each receive two dollars per day for each day so employed. Clay county, shall only pay for the time spent in changing the location of the road between William Shriner's claim and the claim of Knut Weeks.

When to take effect.

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

APPROVED, January 11, 1865.

CHAPTER XXVIII.

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

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

Section 1. That P. H. Risling, Wm Oldham and W. Elliot ^{Commissioners} be and they are hereby appointed commissioners to survey, mark ^{to lay out road.} and establish a territorial road as follows, to wit : Commencing at a point on the territorial road from Vermilion to Yankton, surveyed by M. K. Armstrong under the act of the Legislative Assembly of this territory entitled "An act locating a territorial road from Vermilion to Yankton, approved December 24th, 1863, ten chains south of quarter post on north line of section 13, township 93, north of range 55 west, thence in a northwest direction to the corner of sections 11, 12, 13 and 14, same township and range, to the intersection of the county road running from the east line of Yankton county via the James river bridge to Yankton, surveyed and located June 10th, 1864

Sec. 2. That so much of the territorial road located under ^{Declared vacant} the act mentioned in section one of this act, as is hereinafter specified is hereby declared vacated, to wit : Commencing at a point 10 chains south of quarter post on north line of section 13, township 93 north of range 55 west, thence south 65 degrees west, 47 chains and twenty links to a point 10 chains north of quarter post between sections 13 and 14 same townships and range, thence west one mile, thence north 77 degrees west one mile and three chains, thence south 85½ degrees west one mile and 62 chains to east line of C. F. Picotts treaty grant, thence south 70 degrees west along bench 63 chains to east end of Fifth street in the village of Yankton.

Sec. 3. That so much of the county road mentioned in section one of this act as is hereinafter specified be and the same is ^{Declared territorial road.}

hereby declared to be a territorial road, to wit: Commencing at the point where the same is intersected by the territorial road provided for in this act, on section line between sections 10 and 15, township 93 north, of range 55 west, thence due west, on section line between sections 10, 15, 16, 9, 8, and 17, to a point where the same intersects the territorial road from Yankton to Greenway's ferry, surveyed and located under act of Legislative Assembly of this Territory entitled "An act to locate a territorial road from Yankton to the Big Sioux river," approved January 9th, 1863, thence by said road to the village of Yankton.

Commissioners
to meet.

Sec. 4. 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 P. H. Risling on or before the first day of June A. D., 1865, and proceed with a competent surveyor to locate said road.

Who to pay ex-
penses.

Sec. 5. The county of Yankton shall pay the expenses incurred in locating, surveying, marking and staking the same. The surveyor shall receive three dollars per day while engaged in locating the same, and the commissioners two dollars per day.

Duty of com-
missioners.

Sec. 6. It shall be the duty of the commissioners to file in the office of the register of deeds of Yankton county a plat of the territorial road provided in this act.

When to take
effect.

Sec. 7. This act shall take effect and be in force from and after its passage.

APPROVED, January 12, 1865.