

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.

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## ROADS

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### 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.  
To be eighty feet wide.  
Under direction of county commissioners.

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 : Field notes in Union county.

#### 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.

- " 4 north, 55° 45' west—2 miles to post in mound.
- " 5 north, 57° west—3960 feet to post in mound.
- " 6 north, 61° 45' west—4 miles to post in mound.
- " 7 north, 56° 30' west—1900 feet to post in mound.
- " 8 north, 52° 45' west—1320 feet to post in mound.
- " 9 north, 59° 30' west—2472 feet to post in mound.
- " 10 north, 61° 15' west—1378 feet to post in mound.
- " 11 north, 70° 30' west—1 mile and 3410 feet to post in mound.
- " 12 north, 71° west— 3 miles and 4620 feet to post in mound.
- " 13 north, 74° west—2 miles and 3300 feet to post in mound.

### Sec. 3. Thence as follows in CLAY COUNTY :

- Field notes in Clay county.
- Station 14 north, 80° west—5 miles and 1320 feet to post in mound.
  - " 15 north, 78° 30' west—1960 feet to post in mound.
  - " 16 north, 74° 30' west—1320 feet to post in mound.
  - " 17 north, 69° 45' west—1795 feet to post in mound.
  - " 18 south, 81° 30' west—960 feet to post in mound.
  - " 19 north, 81° west—1495 feet to post in mound.
  - " 20 south, 86° west—530 feet to post in mound.
  - " 21 south, 81° 30' west—1810 feet to post in mound.
  - " 22 south, 87° 15' west—433 feet to post in mound.
  - " 23 south, 41° 15' west—769 feet to Vermillion river.
  - " 24 south, 19° 30' west—245 feet over river.
  - " 25 south, 52° 15' west—112 feet to post in mound.
  - " 26 north, 89° west—2 miles, 1080 feet to post in mound.
  - " 27 north, 84° 30' west—660 feet to post in mound.
  - " 28 north, 86° 48' west—660 feet to post in mound.
  - " 29 north, 87° 15' west—4 miles and 3550 feet to post in mound.
  - " 30 north, 73° 30' west—3 miles and 1730 feet to post in mound.
  - " 31 north, 73° 45' west— 660 feet to post in mound.
  - " 32 north, 77° 45' west—275 feet to post in mound.
  - " 33 north, 49° 30' west—389 feet to post in mound.

### Sec. 4. Thence as follows in YANKTON COUNTY :

- Field notes in Yankton county.
- Station 34 north, 35° 30' west—660 feet to post in mound.
  - " 35 north, 59° west—1670 feet to post in mound.
  - " 36 north, 47° 45' west—660 feet to post in mound.
  - " 37 north, 72° west—1735 feet to post in mound.
  - " 38 north, 75° 30' west—2 miles and 2590 feet to post in mound.
  - " 39 north, 54° 30' west—1 mile and 683 feet to post in mound.
  - " 40 north, 47° 30' west—1184 feet to post in mound.
  - " 41 north, 72° 15' west—1269 feet to post in mound.
  - " 42 north, 79° west—837 feet to post in mound.
  - " 43 south, 76° west—1127 feet to post in mound.
  - " 44 south, 61° 30' west—1190 feet to post in mound.
  - " 45 south, 50° west—936 feet to post in mound.
  - " 46 south, 84° 15' west—1564 feet to post in mound.

- Station 47 north, 75° 45' west—193 feet to station on James river.
- “ 48 north, 75° 45' west—171 feet over river.
- “ 48 south, 82° 30' west—97 feet to white ash tree 2 feet diam.
- “ 49 south, 22° 30' west—850 feet to post in mound.
- “ 50 south, 49° 45' west—1120 feet to post in mound.
- “ 51 south, 40° 30' west—679 feet to post in mound.
- “ 52 south, 68° west—368 feet to post in mound.
- “ 53 south, 83° 15' west—701 feet to post in mound.
- “ 54 north, 76° 15' west—920 feet to post in mound.
- “ 55 south, 83° 45' west—1339 feet to post in mound.
- “ 56 south, 76° 30' west—1 mile and 1092 feet to post in mound.
- “ 57 south, 79° west—2828 feet to post in mound.
- “ 58 south, 88° 45' west—1 mile and 523 feet to post in mound.
- “ 59 south, 66° 30' west—3280 feet to post in mound.

Station 60 south, 56° 30' west—4180 feet to a cedar post in mound of earth on west bank of creek near the foot of Fourth street, in village of Yankton..

Sec. 5. *And be it further enacted*, That a certain territorial road in Union county, located by Levi Cross, Charles LaBreeche and Joseph Shayer, in the year 1865, leading from Paquette's ferry by way of Willow Post Office, Fourteen Mile House and Elk Point, to the east boundary line of Clay county, except the branch which runs from the main line to a point on the Big Sioux river opposite Theophilus Brougherre's house, be and the same is hereby declared to be vacated, and shall be no longer considered as a public highway of the Territory.

Certain described road in Union county declared vacant.

Sec. 6. *And be it further enacted*, That a certain county road in Clay county, located by J. W. Turner, Miles Russell, and , in the year 1865, leading from the east line of Clay county, by way of Vermillion, and to its intersection with the Vermillion and Yankton territorial road, near Wm. Benedict's house, on sec. 15, T. 92, R. 52, be and the same is hereby declared to be vacated, and shall no longer be considered as a public highway of said county..

Certain road in Clay county declared vacant.

Sec. 7. *And be it further enacted*, That a certain territorial road in the counties of Clay and Yankton, located by A. VanOsdel, J. Whitehorn, Ole Sampson, C. F. Picotte and J. R. Hanson, in the year 186 , leading from a point near Wm. Benedict's house, on section 15, town 92, R. 52, westerly by the nearest and most practicable route to Yankton, be and the same is hereby declared to be vacated, and shall be no longer considered a public highway of this territory.

Certain road in Clay and Yankton counties declared vacant.

Authenticated copy of act to be furnished to certain registers of deeds.

Sec. 8. *And be it further enacted*, That a copy of this act duly enrolled and authenticated, shall be forwarded to each of the register of deeds for the counties of Union, Clay and Yankton, to be filed by such register among the records of their respective counties.

When to take effect.

Sec. 9. *And be it further enacted*, That this act shall take effect and be in force from and after the 1st day of April, A. D., 1866.

Approved, January 12th, 1866.

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### CHAPTER 27.

**An Act to Locate and Establish a Territorial Road from the Missouri River by way of Elk Point and Brule Creek to the North Line of Union County.**

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

Commissioners.

Section 1. That Barney McGraw, John Reams and I. T. Gore, be and are hereby appointed commissioners to locate, mark and establish, a Territorial road commencing at a point on the Missouri river, near the residence of Barney McGraw, in Union county, thence by the way of Elk Point and Brule Creek, to the north line of Union county, and the said commissioners shall locate, mark and establish a branch road from a point of the bluff between the Big Sioux river and Brule Creek, to the Fort Randall road near the house of Francis Riendeau, in said county.

Designating line of road.

Time commissioners have to locate road.

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

Commissioners have power to appoint substitutes, whom.

Sec. 3. 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 by whom paid.

Sec. 4. The expenses incurred in surveying, marking and establishing said road, shall be paid by Union county.

Sec. 5. The surveyor shall be entitled to three dollars per day, and the commissioners to two dollars per day each, while engaged in locating the same. Compensation of surveyor and commissioners.

Sec. 6. After said road shall be surveyed and located, it shall be the duty of the surveyor of said road, on or before the first day of December next, to file in the office of the register of deeds of Union county, a plat of said road. Surveyor to file plat of road with the register of deeds.

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

Approved, January 8th, 1866.

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## CHAPTER 28.

**An Act to Locate and Establish a Territorial Road commencing at a point on a Territorial Road at or near the house of Charles Chaussee, in Clay County in said Territory, thence to the Big Sioux river through Union County.**

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

Section 1. That A. K. Stoddard, Aaron Carpenter, Winslow Taylor, be and are hereby appointed commissioners to locate, mark and establish a territorial road, commencing at a point on a territorial road at or near the residence of Charles Chaussee, in Clay county, thence by shortest and most practicable route to a point eighty rods south of the north line of section thirty (30), township ninety-two (92), range forty-nine (49), thence keeping said line as near as practicable to the Big Sioux river. Commissioners designating the line of road.

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

Sec. 3. 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. Commissioners have power to appoint substitutes.

Who to pay  
expenses.

Sec. 4. The expenses incurred in surveying, marking and establishing said road, shall be paid by Union and Clay counties in proportion to the time expended in each of said counties, in locating, surveying, marking and establishing said road.

Compensation  
of surveyor and  
commissioners.

Sec. 5. The surveyor shall be entitled to three dollars per day, and the commissioners to two dollars per day each while engaged in locating said road.

Surveyor to  
file plat in  
Union county.

Sec. 6. After said road shall be surveyed and located, it shall be the duty of the surveyor of said road, on or before the first day of December next to file in the office of the register of deeds of Union county, a plat of so much of said road as shall come within the limits of said Union county.

To file plat in  
Clay county.

Sec. 7. And shall also file a plat with the register of deeds in Clay county, of so much of said road as shall come within the limits of said Clay county.

When to take  
effect.

Sec. 8. This act shall take effect from and after its passage and approval by the Governor.

Approved, January 11th, 1866.

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## CHAPTER 29.

**An Act to Locate and Establish a Territorial Road from Yankton via Smutty Bear Bottom, Bonhomme, Yankton Reservation, and Fort Randall.**

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

Commissioners.

Section 1. That A. G. Fuller, M. K. Armstrong, John Andrews, Franklin Starr and Alexander Kealear, be and they are hereby appointed commissioners to locate and establish a territorial road from Yankton via Smutty Bear bottom, Bonhomme, Yankton Reservation and Fort Randall.

When commis-  
sioners to meet.

Sec. 2. It shall be the duty of said commissioners or a majority of them to meet in June next and proceed to locate said road.

Sec. 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 three dollars per day while necessarily engaged in making said location.

Powers of commissioners, and their compensation.

Sec. 4. Each county shall pay the expenses incurred in locating, surveying, marking and staking the same in the said county.

Who to pay expenses.

Sec. 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.

Commissioners may appoint substitutes, when.

Shall file plat.

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

When to take effect.

Approved, January 12th, 1866.

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## CHAPTER 30.

### An Act locating a Territorial Road in Union County.

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

Section 1. George W. Kellogg, William Lancaster and Joel Webber, be and they are hereby appointed commissioners to survey and locate a territorial road, commencing at a point on the Missouri river in sec. seventeen, town eighty-nine, range forty-eight west, thence by the most practicable route to the northwest corner of O. J. Kellogg's claim in sec. four, town eighty-nine, range forty-eight, then east one quarter of a mile, then south to the southwest corner of sec. three, then run east on the sec. line between sec. three and sec. ten, sec. two and sec. eleven, to a point on the bank of the Big Sioux river, with a branch commencing at the southwest corner of the southeast quarter of section three, town eighty-nine, range forty-eight west of the 5th principal meridian, thence running south from said corner until it intersects with the territorial road surveyed

Commissioners designating the line of road.

and established by LaBreeche, Cross and Shayer in the year 1865.

When and where  
the commissioners  
shall meet.

Sec. 2. The said commissioners or a majority of them shall meet at the house of George W. Kellogg on the first Monday of September next, or sooner if convenient and proceed to locate said road.

Who pay expenses  
of road.

Sec. 3. The expenses incurring in surveying, marking and establishing said road shall be paid by the commissioners of said road.

Acts repealed.

Sec. 4. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

When to take  
effect.

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

Approved, January 8th, 1866.

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## SCHOOLS.

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### CHAPTER 31.

#### An Act to Establish a Public School Law for the Territory of Dakota.

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

Board of  
education.

Section 1. That Rev. M. Hoyt, Wm. Shriner and N. J. Wallace, are hereby constituted a board of education for the territory of Dakota, who shall hold their offices until successors are elected and qualified, and there shall be elected a board of education at each delegate election in this territory hereafter.

Annual and  
special meetings

Sec. 2. Said board shall hold an annual meeting at the capitol of the territory, commencing on Tuesday of the first week of the session of the legislature, and such special meetings during the year as the board may, in their judgment, deem proper and necessary.