

HIGHWAYS AND BRIDGES.

CHAPTER 8.

AN ACT TO PREVENT THE OBSTRUCTION OR INJURY OF HIGHWAYS AND BRIDGES.

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

Unlawful to obstruct or plow up

Section 1. It shall be unlawful for any person to obstruct or plow up, or cause to be obstructed or plowed up, any public highway, or public street of any town, or injure any bridge.

Persons so offending liable

Sec. 2. Every person so offending shall be liable to a fine in any sum not more than one hundred dollars; and also liable in civil action for all damage to person or property by reason of any such obstruction or injury; *Provided*, That this act shall not apply to plowing done by order of any road supervisor for the purpose of working any highway or street.

Duty of road supervisor

Sec. 3. It shall be the duty of any road supervisor having personal knowledge of, or on being notified in writing of, any obstruction in the highway or public street in his district, to immediately remove or cause to be removed any such obstruction.

Complaint in behalf of people. Conviction

Sec. 4. If any person or persons shall willfully, carelessly or negligently obstruct or injure any public highway, public street or bridge, it shall be the duty of the road supervisor of the district in which such obstruction is placed or injury done to enter complaint in behalf of the people against the person or persons so offending, before a justice of the peace of the county; and on conviction thereof the fine so collected shall be immediately paid over to the treasurer of the county for the benefit of the common schools.

Sec. 5. It shall be the duty of the district attorneys to prosecute all violations of this act in their respective counties. Duty of district attorney

Sec. 6. All acts and parts of acts in conflict with this act are hereby repealed. Acts in conflict repealed

Sec. 7. This act shall be in force from and after its passage and approval. Act to take effect —when

Approved, January 9, 1869.

CHAPTER 9.

AN ACT SUPPLEMENTARY TO "AN ACT TO PROVIDE FOR THE OPENING, VACATING AND CHANGE OF HIGHWAYS."

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

Section 1. The board of county commissioners shall have the power to locate and establish highways on a section or quarter line, when the initial and terminating points can be clearly described, without the appointing of viewers or services of a surveyor, upon the petition of twelve freeholders or bona-fide claimants of the county, six of whom shall reside in the immediate neighborhood of the highway proposed to be located, if they shall be satisfied that notice of such application has been given, by publication three weeks successively in a newspaper published in the county, or by posting up notices in three of the most public places in the neighborhood of such proposed highway, at least twenty days before the meeting of the board at which such petition is presented, shall at their next regular meeting, if no remonstrance has been presented to the location of said proposed highway, locate and establish the same, on the section, or quarter line specified in said petition, and shall order the same to be opened and kept in repair, and shall cause notice thereof to be given to the proper supervisors. County commissioners shall have power to locate and establish highways —when

Shall feel ag-
grieved-Viewers

Sec. 2. If any person or persons, whose land adjoins said proposed section or quarter line highway, shall feel aggrieved thereby, such person may at any time before final action of the board thereon, set forth such grievances by way of remonstrance, and the said board shall thereupon appoint three disinterested freeholders, as viewers, and assign a day and place for them to meet.

Duty of

Sec. 3. Such viewers having five days notice, to be given by the party or parties remonstrating, shall meet at the time and place designated, and take an oath faithfully to discharge the duties assigned them, and proceed to view the proposed highway and assess the damages, if any, which such objector or objectors may sustain from such highway being opened, and shall report the same to the ensuing session of such board.

Report of ma-
jority of.

Sec. 4. If a majority of the viewers assess and report damages in favor of the objector or objectors, and the board shall consider the proposed highway to be of sufficient importance to the public, they shall order the costs and damages to be paid out of the county treasury;

Provided

Provided, That in arriving at such determination and award the benefits to accrue to such owner or occupant, by reason of opening said highway, are to be considered in making said award. But if a majority report against the claim for damages, the objector or objectors shall pay the costs; and when payment of damages is made as herein provided, such highway shall be recorded and ordered to be opened and kept in repair as hereinbefore provided.

Shall give
security

Sec. 5. The person or persons remonstrating shall give to the board of county commissioners approved security for the costs in case a majority of the viewers report against the claim for damages.

Act to take
effect, when

Sec. 6. This act shall take effect from and after its passage and approval.

Approved, December 25th, 1868.