

ROADS.

CHAPTER 37.

AN ACT TO ESTABLISH A TERRITORIAL ROAD FROM THE CITY OF YANKTON TO ROCKPORT, IN HANSON COUNTY, D. T.

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

Territorial road established from Yankton to Milltown

SECTION 1. That a Territorial road be, and is hereby established as follows, to-wit: The road shall consist of two branches, running from, by and to the points hereinafter mentioned. The road shall begin at the city of Yankton; then by the most direct and feasible route to or near Washington, as the commissioners may see fit; thence to branch, one road to run by the most direct and feasible route by way of Scotland, in Bon Homme county, to Milltown, in Hutchinson county. The other branch shall begin at or near Washington, Yankton county; thence by the most direct and feasible route by way of Maxwell City, in Hutchinson county, to Milltown, in Hutchinson county, where both branches shall intersect. And from Milltown, the said road shall be laid out over the most practicable route to Rockport, in Hanson county.

Commissioners appointed.

SEC. 2. That Frank B. Foster, of Hanson county; J. E. Maxwell, Jr., of Hutchinson county; C. F. Campbell, of Bon Homme county, and G. H. Wetmore, of Yankton county, be, and they are hereby appointed commissioners to lay out and establish said road.

Commissioners when to meet.

SEC. 3. It shall be the duty of said commissioners, or a majority of them, to meet at Yankton on or before the first day

of July, A. D. 1873, and proceed with a competent surveyor, to be employed by said commissioners, together with other necessary help, to locate and survey said road.

SEC. 4. The commissioners hereby appointed, and the surveyors chosen by them, shall receive for their services three dollars per diem while necessarily engaged in surveying, locating and marking said road; *Provided*, That the total expense shall not exceed twenty (\$20.00) dollars per day.

Pay of commissioners.

SEC. 5. It shall be, and it is hereby made the duty of said commissioners to build solid square mounds, which shall not be less than three feet in diameter at the base, and one at the top, four feet high, and so situated that two of said mounds shall be visible in either direction from any one mound along the whole road.

Commissioners to build mounds.

SEC. 6. The expenses incurred in surveying, marking and establishing 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.

Expenses how paid.

SEC. 7. Said commissioners shall make a report of the location and cost of locating and establishing 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 August next. And it shall be the duties of the said commissioners to file in the office of the 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 limits and boundaries of each county respectively.

Reports to be made and filed.

SEC. 8. This act shall take effect and be in force from and after its approval by the Governor.

When to take effect.

Approved, January 8th, 1873.

CHAPTER 38.

AN ACT TO LAY OUT AND ESTABLISH A TERRITORIAL ROAD
FROM YANKTON TO MEDARY, IN BROOKINGS COUNTY.

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

Commission-
ers appointed
to locate road.

Route of road

SECTION 1. That Carl C. P. Meyer, J. F. Dowling and B. E. Pay, be, and they are hereby appointed commissioners to locate and establish a Territorial road from Yankton, in the county of Yankton, via Walshtown, Childstown and Wicklow, to Medary, in Brookings county, Dakota Territory, commencing at a point on the eastern boundary of the city of Yankton, where the Sioux City stage road intersects said boundary; thence along said stage road to a point east of the James river bridge, where the section line between section (34) thirty-four, and (35) thirty-five intersects said road; thence north on said section line to Childstown, in Turner county; thence northeast to a point on the Vermillion river, near the center of township one hundred and three (103) range (53) fifty-three; thence northeast to intersect the section line between section (7) seven and (8) eight, in township one hundred and five (105) range fifty-one (51) at a point where those sections form a junction with section seventeen (17) and eighteen (18); thence north on said section line to the south boundary of township one hundred and six (106); thence north and northeast through the town of Wicklow, as the commissioners may see fit, to the north line of section thirty-two (32), at a point twenty (20) chains west of the quarter ($\frac{1}{4}$) stake between sections thirty-two (32), and twenty-nine (29); thence in a northeasterly direction in the most direct and practicable route to Medary; thence in a northerly direction to Big Stone Lake, Sisseton, Richville to Breckenridge. This road being an established mail route, being established by the last session of Congress.

SEC. 2. It shall be the duty of said commissioners, or a majority of them to meet at the city of Yankton on the first day of June, A. D. 1873, and proceed to locate said road, and those commissioners that are present at such meeting 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 in the several counties through which said road passes, or if one or more counties through which it passes are not organized, then with the register of deeds in the county to which it is attached for election purposes, and said commissioners shall have from the first of June to the twentieth of July thereafter, to complete the location of said road.

When to meet
and how to pro-
ceed.

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

May appoint
substitutes.

SEC. 4. Said commissioners shall have power to employ all necessary help to assist them in the location of said road, and all parties employed as well as the commissioners, shall be payed at the rate of three dollars (\$3.00) per day, while necessarily employed in said location; *Provided*, That the total expense shall not exceed twenty-five (\$25,00) dollars per day.

Power and
compensation
of commission-
ers.

SEC. 5. It shall be and it is hereby made the duty of said commissioners, to build solid square mounds, which shall not be less than three feet in diameter at the base, and one foot at the top; the sides of said mounds to be straight and not less than four feet high, so situated that two mounds shall be visible in either direction from any mound on the whole route.

Commission-
ers to build
mounds.

SEC. 6. The expenses incurred in locating said road shall be paid by the respective counties through which said road shall pass, in proportion to the amount incurred within each county.

Expenses
how paid.

SEC. 7. This act shall take effect immediately upon its passage and approval by the Governor.

When to take
effect.

Approved, January 2nd, 1873.

CHAPTER 39.

AN ACT TO LAY OUT AND ESTABLISH A TERRITORIAL ROAD
FROM SIOUX FALLS TO YANKTON.

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

Name of com-
missioner.

SECTION 1. That O. B. Iverson, of the county of Minnehaha, be, and is hereby appointed commissioner to lay out and establish a Territorial road from the townsite of Sioux Falls, in Minnehaha county, to the south line of said county, at a point at or near the southeast corner of section thirty-two, (32) township one hundred and one, (101) range forty-nine, (49) to connect with a section of the Sioux Falls and Yankton Territorial road hereinafter described and established.

Road, where
located.

SEC. 2. That all that portion or section of the Sioux Falls and Yankton Territorial road hereinafter described, be, and the same is hereby laid out and established, to-wit: Commencing at or near the southeast corner of section thirty-two, (32) in township one hundred and one, (101) range forty-nine, (49) thence south thirty-three degrees (33°) west, one hundred and seventy-two (172) chains; thence south thirty-five (35°) degrees west to the north line of section three, (3) town ninety-seven, (97) range fifty-two (52); thence west on said section line to the northwest corner of said section; thence south on a line between sections three (3) and four, (4) and nine (9) and ten, (10) to the center of a public highway in Turner City, known as Armstrong avenue; thence west on said avenue to the section line between sections eight (8) and nine (9); thence south along said section line to the northeast corner of section twenty (20); thence west forty chains; thence south thirty-seven (37° 30') west nine hundred and fifty-four (954 35-100) chains to a point on the east line of the county of Yankton at or near the east quarter post in section one, town ninety-five, (95) range fifty-four (54).

SEC. 3. That Peter H. Turner, of Turner county, and J. V. Bunker, of Yankton county, be, and they are hereby appointed commissioners to lay out and establish so much of the Sioux Falls and Yankton road hereby provided for, as lies in the county of Yankton; to commence at the point of termination mentioned in the last preceding section, to-wit: At or near the quarter post in the east line of section one, township ninety-five, (95) range fifty-four, (54) and running thence on the most direct and feasible route to the bridge across Clay Creek at or near the section line between sections twenty-eight (28) and thirty-three, (33) in township ninety-five, (95) range fifty-four, (54) and thence by the line of road already laid out and established by the commissioners of Yankton, to the city of Yankton.

Names of commissioners, and where to locate road.

SEC. 4. That the said commissioners appointed by the last preceding section, shall certify that portion of the said road laid by them, to the register of deeds of the county of Yankton; and that the county of Yankton shall pay the said commissioners for their services; and all expenses incurred by reason of such laying out and establishing said road in the county of Yankton.

Commissioners to certify portion of road.

SEC. 5. That the commissioner appointed by the first section of this act shall certify that portion of the said road laid by him in Minnehaha county, to the register of said county; and that said county shall pay said commissioner for his services, three (\$3.00) dollars per day, for time actually and necessarily spent; and all expenses incurred by reason of laying out and establishing said road in the county of Minnehaha.

Commissioners to certify portion of road.

SEC. 6. That J. V. Bunker and Peter H. Turner, or either of them, are hereby appointed to plot the whole of said Sioux Falls and Yankton Territorial road, according to the laying out thereof by the commissioners herein appointed, and the courses and distances given as the route in section two, (2) of this act, and to file a plot of said road in the office of the Secretary of the Territory; and also to certify to the register of deeds of the counties of Lincoln, Turner and Clay, so much of the said road that lies in said counties respectively, for which services the several counties through and which said road is laid, shall pay *pro rata* in accordance with the length of said road in each.

Names of persons and their duty to plot road.

When duties
to be performed

SEC. 7. The duties hereby imposed on the commissioners hereby appointed, shall be performed by the first day of June next; and the duties imposed upon the said Bunker and Turner, shall be performed by the first day of July next.

When to take
effect.

SEC. 8. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, December 28th, 1872.

CHAPTER 40.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM CANTON TO BLOOMINGDALE, D. T.

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

Names of
commissioners,
and how to lo-
cate road.

SECTION 1. That C. L. Gardner and N. Hanson and James McHenry, be, and they are hereby appointed commissioners to locate and establish a Territorial road from Canton, Lincoln county, D. T., via the main traveled road, so far as the same may be direct and practicable, to Bloomingdale, in Clay county, D. T.

When to
meet, and how
to proceed.

SEC. 2. It shall be the duty of the said commissioners to meet at Bloomingdale, on the tenth day of May next, and proceed to locate said road; but in case a majority of said commissioners do not meet as herein provided, it shall be the duty of those present at such meeting, to file said commission, and shall proceed without delay to survey, locate and plat said road, and file said plat in the office of the registers 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 tenth day of May aforesaid, to the first day of July 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. Powers of commissioners

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 each, while necessarily employed in making said location, plat and survey. Powers and compensation.

SEC. 5. The expenses incurred in locating, surveying, marking and staking and filing as aforesaid, shall be paid by the respective counties through which, or into which said road shall pass, in proportion to the amount incurred within the boundaries of the same. Expenses, how paid.

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

. Approved, January 6th, 1873.

CHAPTER 41.

AN ACT TO LAY OUT AND ESTABLISH A TERRITORIAL ROAD FROM CANTON, LINCOLN COUNTY, D. T., TO MAXWELL CITY, HUTCHINSON COUNTY, D. T.

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

SECTION 1. That John H. Holsey, C. B. Valentine and John Maxwell, Sen., of Hutchinson, be, and they are hereby appointed commissioners to lay out and establish a Territorial road from Canton, Lincoln county, to Maxwell City, Hutchinson county, D. T., as follows: Commencing at a point where the Territorial road, as now located from Canton, Lincoln Names of commissioners, and where to locate.

county, D. T., via Lodi, Clay county, D. T., crosses the section line between sections twenty-eight and thirty-three, (33) township ninety-eight, range fifty; thence southwest along said Territorial road, to a point where said Territorial road crosses the section line between sections six and seven, [in township ninety-seven, range fifty; thence west along said section line to the northeast corner of section nine, in township ninety-seven,] range fifty-two; thence south to the center of a public highway in Turner city, known as Armstrong avenue; thence west along said Armstrong avenue to the west line of the southeast quarter of section seven, township ninety-seven, range fifty-two; thence by the most direct route to Swan Lake; thence in a northwesterly direction by the most direct and practicable route to Childstown, in Turner county; thence in a southwesterly direction by the most direct and practicable route, to Maxwell City, in Hutchinson county, D. T.

When to meet
&c.

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Canton on or before the 10th day of May next, and proceed with a competent surveyor, to be employed by said commissioners, together with other necessary help, to locate and survey said road.

Expenses
how and
whom paid. by

SEC. 3. The expenses incurred in surveying, marking and establishing 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.

Compensa-
tion.

SEC. 4. The commissioners hereby appointed, and the surveyor by them employed, shall each be entitled to receive three dollars per day while necessarily engaged in surveying, locating and marking said road.

Commission-
ers to make and
file report.

SEC. 5. Said commissioners shall make a 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, 1872; and it shall also be the duty of said commissioners to file in the office of the 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 limits and boundaries of each county respectively.

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 6th, 1873.

CHAPTER 42.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD
FROM SIOUX FALLS TO WHITE EARTH RIVER AND FORT
THOMPSON, VIA ROCKPORT, HANSON COUNTY, D. T.

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

SECTION 1. That N. W. Phillips, E. S. McCook, J. D. Flick and H. F. Livingston, be, and they are hereby appointed commissioners to locate and establish a Territorial road, from Sioux Falls, in Minnehaha Co., D. T.; thence westerly on township line between 101 and 102, as near as practicable through said county of Minnehaha, McCook and Hanson, to Rockport, on the James or Dakota river and Firesteel; thence westerly through Cragin and Buffalo counties, to the mouth of White river, also a branch road commencing at Rockport on the main line between Rockport and the mouth of White Earth river; thence northwesterly to Ft. Thompson.

Names of
commissioners,
and how to lo-
cate road.

SEC. 2. It shall be the duty of said commissioners or a majority of them, to meet at Rockport, in the county of Hanson, on the tenth day of June, A. D. 1873, and proceed to locate said road. But in case a majority of said commissioners do not meet as herein provided, it shall be the duty of those present at such meeting, and they shall have full power to fine said commissioners, and proceed without delay to locate the same, and make plat and file 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 10th day of June, aforesaid, to the 10th day of August therefrom, to complete the location and establishment of said road.

When to meet
and how to pro-
ceed.

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.

Have power
to appoint sub-
stitutes

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.

Commission-
ers have power
to employ help,
compensation.

Expenses,
how paid.

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

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 8th, 1873.

CHAPTER 43.

AN ACT TO ESTABLISH A TERRITORIAL ROAD FROM SPRINGFIELD, BON HOMME COUNTY, DAKOTA, TO FIRESTEEL, HANSON COUNTY, D. T.

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

Who appointed
commissioners,
and manner of
locating
road.

SECTION 1. That H. C. Davison, of Hanson county, and B. H. Wood, of Bon Homme county, Dakota Territory, be, and are hereby appointed commissioners to lay out and establish said road, commencing at Springfield; *and* and thence by the most practicable route to Marshton, in section 6, township 13, range 60 west; thence north on section line between sections 5 and 6, to Firesteel, Hanson county, Dakota Territory.

When to meet
and compensation.

SEC. 2. Said commissioners on the first day of June, or as soon thereafter as possible, shall meet at Springfield, and employ suitable persons to assist to lay out, mark, and establish said road. Said commissioners shall receive for their services three dollars per day, and their help shall receive reasonable compensation for such time as employed by them on said road, and the several counties through which said road shall pass, shall pay *pro rata*, the expenses of said road. Said road shall be plotted, and a plot filed with the register of deeds of

the several counties in which the road may run, on or before the twentieth day of July, eighteen hundred and seventy-three.

SEC. 3. This act shall take effect and be in force from and after its passage and approval. ^{When to take effect.}

Approved. January 9th, 1873.

CHAPTER 44.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM ROCKPORT, IN HANSON COUNTY, VIA WICKLOW AND FLANDREAU, TO MINNESOTA STATE LINE.

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

SECTION 1. That John Cunningham, F. B. Foster and Eugene R. Newhall, be, and they are hereby appointed commissioners to locate and establish a Territorial road from Rockport, in Hanson county; thence northeast to intersect a like road from Yankton to Breckenridge, Minnesota, where said road crosses the Vermillion river; in town one hundred and three, (103) range 53; thence on said road to a point where it crosses the section line running east, between sections 18 and 24, in town 107, range 50; thence east on said line, if practicable, by Flandreau, to intersect the line of the State of Minnesota, at a point near section 14, town 107, range 47. Said line is a mail route, having been established by the last session of Congress. ^{Names of commissioners, and where to locate road.}

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Rockport on the first day of July, 1873, and proceed to locate said road; and those commissioners that are present at such meeting shall have full power to proceed and locate without delay said road, and make and plat and file the same in the office of the register of deeds of the several counties through which said road passes: and if ^{When to meet, and how to proceed.}

one or more counties through which it passes are not organized, then with the register of the counties that it is attached to for election purposes; and said commissioners shall have from the first day of July to the first of September thereafter, to complete the location of said road.

May appoint
substitutes.

SEC. 3. The said commissioners shall have power to appoint substitutes, who shall have, in all respects, the same rights, powers and privileges; and whose duty shall be the same as the ones herein named.

Pay of com-
missioners.

SEC. 4. Said commissioners shall have power to employ all necessary help; but the total expenses shall not exceed \$20.00 per day, and shall be paid at the rate of \$3.00 per day each, while necessarily employed in said location.

Expenses
how paid.

SEC. 5. Said expenses shall be paid by the counties through which the road runs.

When to take
effect.

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

Approved, January 9th, 1873.

CHAPTER 45.

AN ACT TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM SHA-HIN-KAPA, RICHLAND COUNTY, TO OSWEGO, RANSOM COUNTY, D. T.

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

Who appoint-
ed commission-
ers, and man-
ner of locating
road.

SECTION 1. That J. W. Blanding, D. Wilnot Smith, J. Q. Burbank, be, and they are hereby appointed commissioners to locate a Territorial road as follows, to-wit: Beginning at southeast corner of the county seat of Richland county; thence west along the south boundary of said county seat; thence on the most direct and practical route to Oswego.

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to meet at the house of J. W. Blanding, on or before the first day of June, A. D. 1873, and proceed with the necessary help, to locate said road. ^{When to meet &c.}

SEC. 3. The expenses incurred in surveying, marking and establishing said road, shall be paid by the county of Richland when it becomes an organized county. The commissioners shall each be entitled to receive three dollars per day while necessarily engaged in surveying and locating the same. ^{Expenses how paid.}

SEC. [4] 5. Said commissioners shall make report of 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. 1873. ^{Commissioners to make and file report.}

SEC. [5] 6. This act shall take effect and be in force from and after its passage and approval. ^{When to take effect.}

Approved, January 8, 1873.

CHAPTER 46.

AN ACT TO LAY OUT AND ESTABLISH A TERRITORIAL ROAD FROM PEMBINA TO ST. JOSEPH, IN PEMBINA COUNTY.

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

SECTION 1. That Judson La Moure, Charles Bottineau and George W. Reed, be, and [are] hereby appointed commissioners to locate and establish a Territorial road from Pembina to St. Joseph, in the county of Pembina, Territory of Dakota, commencing at the western terminus of Stutsman street, in the town of Pembina; thence in a westerly direction, to Smugglers Point, via Bottineau, Dease, Gengras, to St. Joe, in township 163, north range 56 west of the fifth principal meridian. ^{Names of commissioners, and how to locate road.}

When to meet
and how to pro-
ceed.

SEC. 2. It shall be the duty of the commissioners or a majority of them, to meet at the town of Pembina, on the first day of June, A. D. 1873, to proceed to locate said road, and those commissioners that are present at such meeting, 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, in the county of Pembina.

Have power
to appoint sub-
stitutes.

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

Commission-
ers have power
to employ help,
compensation.

SEC. 4. Said commissioners shall have the power to employ all necessary help to assist them in the location of said road, and all parties employed as well as the commissioners, shall be paid at the rate of three dollars per day while necessarily employed in said location.

Expenses
how paid.

SEC. 5. The expenses incurred in locating said road, shall be paid by the county of Pembina.

When to take
effect.

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

Approved, January 6th, 1873.