

A public highway to be worked, expenses of establishing roads paid out of the Territorial treasury.

through which it shall be laid out, at such time as the county commissioners shall order; and no part of the expense of laying out and establishing any Territorial road, or of the damages sustained by any person or persons in consequence of laying out any Territorial road, shall be paid out of the county treasury, but such expenses shall be paid out of the Territorial treasury.

Fees of road commissioners and surveyor allowed and paid.

SEC. 7. That each road commissioner shall receive two dollars per day, and each surveyor employed to lay out and establish any road under the provisions of this act, shall receive such compensation as may be allowed by law to the county surveyors in the several counties of this Territory, the amount of which expense shall be paid out of the Territorial treasury.

Damages, complaint in writing to justice or judge, appointment of three freeholders to assess damages, oath of freeholders, duty of, report of, etc., complaint in six months.

SEC. 8. That if any person or persons shall consider him, her, or themselves aggrieved by laying out and establishing any Territorial road through his, her, or their land, such person or persons may prefer his, her, or their complaint in writing to any judge or justice of the peace of this Territory, who shall appoint three disinterested persons, freeholders, to assess the damages, if any, sustained by such complainant or complainants; and the freeholders aforesaid shall meet, and after having taken an oath or affirmation truly and impartially to assess the damages which said complainant or complainants will sustain by reason of opening said road, they shall proceed to examine the road aforesaid through the land of the complainant or complainants, and assess the damages sustained, if any; and in assessing said damages said freeholders shall adjudge how much less valuable the land or premises of the complainant or complainants will be rendered by opening said road, and they shall make out, certify, sign, and deliver a report of the same to the commissioners appointed to lay out said road, and the commissioners shall certify the same, which sum shall be paid out of the treasury of the Territory: *Provided*, That all complaints under the provisions of this section shall be made within six months after the road complained of shall have been laid out and established.

Repealing section.

SEC. 9. So much of all laws now in force as contravene the provisions of this act are hereby repealed.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

October 20, 1849.

CHAP. XXV.—An Act to provide against the traffic in Ardent Spirits with the Indians.

Tavern or grocery keeper or other person prohibited from selling liquor to Indians, and punished by imprisonment and fine.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota*, That if any tavern keeper, grocery keeper, or any other person or persons, shall sell, give, barter, or in any manner dispose of any spirituous liquors, or any other liquor of an intoxicating quality, to any Indian or Indians within this Territory, every such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment in any court having competent jurisdiction to try the same, shall be imprisoned in the county jail for a period of not less than thirty, nor more than ninety days, and shall forfeit and pay to the use of the county in which the offence may have been committed, a fine of not less than one hundred, nor more than five hundred dollars; and in case of the refusal or neglect of the person so convicted to pay the fine above specified, he shall be, in addition to the imprisonment above imposed, confined in the county jail one day for every two dollars thereof until said fine shall be discharged.

SEC. 2. In all cases of conviction under this act, if there be no jail

within the county where the offence was committed, (or to which it may be attached for judicial purposes,) it shall be competent for the court before which said conviction was had, to commit the offender to the nearest jail in any other county, or either of the forts of this Territory, with the permission of the commanding officer thereof; and it is hereby made the duty of the keeper of such jail to receive the prisoner so committed, and in all respects to proceed with him as if he had been committed by the proper authorities of the county in which such jail is situated: *Provided*, That in all cases of conviction under this act, when the person convicted is confined in the jail of any other county, the county in which such offence shall have been committed shall pay all expenses arising from said confinement.

Sec. 3. All sheriffs, constables, and justices of the peace within this Territory are, under the penalty of forfeiting their respective offices, required to make complaints of such violation of the provisions of this act as come within their knowledge, and the judges of the several district courts in the Territory are hereby required to give this act in special charge to the grand juries of the several counties in their district.

Sec. 4. The testimony of any Indian or Indians is hereby declared to be admissible in any action brought for a violation of the provisions of this act.

Sec. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

APPROVED the twentieth day of October, one thousand eight hundred and forty-nine.

Jail commitment and duty of courts therein, proviso as to expenses of commitment.

Sheriffs, constables, and justices to make complaints, and penalty for neglect thereof, judges to give this act in special charge to grand juries.

Indians permitted to testify, etc.

Repealing section.

Act takes effect when, etc.

CHAP. XXVI.—An Act to provide for the payment of the Expenses of the Legislative Assembly of the Territory of Minnesota.

Nov. 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota*, That there be paid out of the sum appropriated by Congress for defraying the expenses of the Legislative Assembly of this Territory for the year ending on the first day of November, one thousand eight hundred and forty-nine:

Payments out of the appropriation made by Congress.

To sundry judges and clerks, for services at the general and special elections held in the Territory of Minnesota for the election of the Legislative Assembly thereof, three hundred and forty-three dollars and eighty cents.

To judges and clerks of elections.

J. W. Simpson, for various articles furnished the Legislature, as per bill, twenty-two dollars and eighty-two cents.

J. W. Simpson.

C. P. V. Lull, for desks, locks, book-case, &c. for Legislature, as per bill, one hundred and eighty-one dollars.

C. P. V. Lull.

J. W. Bass, postmaster, postage of members during the session of Legislature, as per bill, two hundred and twenty dollars and forty-eight cents.

Postmaster.

W. H. Forbes, hauling wood for and furnishing various articles for Legislature, as per bill, seventy-five dollars and fifty-two cents.

W. H. Forbes.

James Hughes, for publishing in Chronicle Governor's proclamation, as per bill, one hundred and sixty-one dollars.

J. Hughes.

J. C. Ramsey, with an assistant, for going to and bringing from St. Louis twelve thousand nine hundred dollars in silver, twenty-six days' services for two, as per bill, one hundred and four dollars.

J. C. Ramsey.

To L. A. Babcock, rent for committee room, as per bill, ten dollars.

L. A. Babcock.

Henry A. Jackson, to five volumes statutes of Wisconsin and rent for committee room for the Legislature, as per bill, ten dollars.

Henry A. Jackson.