

road, at such point as to the said Commissioners or a majority of them, or their substitutes, as are herein after provided for, shall deem most suitable.

Meeting

SEC. 2. The said commissioners, or any three of them, or their substitutes duly authorized, shall meet at the house of John Soules in Scott county, on the first Monday of April, A. D., 1856, or as soon thereafter as practicable, and shall proceed to lay out and mark said road by the most feasible route. The expense of laying out said road shall be paid by the counties through which said road may pass. The Commissioners shall decide the proportion and amount of such expense to be paid by each county, through which said road may pass, and shall notify the Commissioners of each of said counties of the same.

Map deposited

SEC. 3. The above named Commissioners shall cause to be deposited in the offices of the Registers of Deeds of the Counties through which said road may pass, a copy of the map of the survey of said road.

Appoint substitutes

SEC. 4. In the event that either of the said Commissioners above named, shall be unable to perform the duties assigned to him in this act he shall have the power to appoint a substitute, and it shall be his duty to notify the other commissioners of such substitution; Provided, that if at the first meeting mentioned in the second section of this bill, either of the said Commissioners shall fail to appear in person, or by duly authorized substitute, then his appointment shall be declared cancelled, and the Commissioner or Commissioners, or their duly authorized substitute, or substitutes, there present, shall have power to select suitable persons to fill such vacancy or vacancies.

To be in force.

SEC. 5. This act shall take effect and be in force immediately after its passage.

CHARLES GARDNER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—February twenty-first, one thousand eight hundred and fifty-six.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original bill as file in this office.

J. TRAVIS ROSSER.

Secretary of Minnesota Territory.

CHAPTER CIX.

An Act Declaring certain Roads projected in the Territory of Minnesota under authority of the Government of the United States, Territorial Roads

- SECTION 1. Names of Roads declared Territorial Roads.
 2. Manner of assessing damages.
 3. Punishment for obstructing roads.
 4. Roads hereafter constructed declared Territorial Roads.
 5. When to take effect.

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

Names of roads

SECTION 1. That the Roads hereinafter named, which have been surveyed, located and constructed, pursuant to acts of Congress, and under

the authority and by the direction of the general government, the notes and plats of which have been deposited in the office of the Secretary of this Territory, be, and the same are hereby declared Territorial Roads, to wit:—Road from Point Douglas to the mouth of the St. Louis river; road from Point Douglas to Fort Ripley; road from Wabashaw to Merdets; road from Mendota to the mouth of the Big Sioux river, and road from the mouth of the Swan river to Long Prairie, said roads to be in width not less than sixty-six feet.

SEC. 2. That in all cases where the owners of land may have objected to the running of any of the said roads through their premises, or may have prevented the construction of any thereof on the line adopted and designated by the proper authorities, such person or persons considering themselves aggrieved, may apply to the County Commissioners of the county in which said road is located, who shall appoint one appraiser of damages, and the aggrieved party shall appoint another, and these two shall, upon viewing the premises, assess the damages (if any,) and if the two thus chosen cannot agree they may appoint a third person, and the award of the three thus chosen shall be final. Whenever damages may be assessed (if any), together with the costs shall be paid out of the County Treasury of the proper county, upon the order of the appraisers.

Damages

SEC. 3. That any person who shall wilfully and intentionally break down or destroy any bridge or draw, or stop or fill up any ditch or drain, or build a fence on the line of any of the said roads, or in any manner whatsoever obstruct or hinder the free passage on any thereof, shall be punished by a fine of not less than ten nor more than one hundred dollars and costs of suit, to be recovered before any Justice of the Peace, having jurisdiction in the county in which such obstructions are made, and shall further be liable for any damage or damages resulting therefrom, to any person suing for the same.

Fines

SEC. 4. And be it further enacted, that any roads which are now being surveyed, located or constructed, not herein named, and any roads which shall hereafter be surveyed, laid out and constructed, by the authority and under the supervision of the Government of the United States, or authorized by the Legislature of this Territory, be, by virtue of this act, and the same are hereby declared Territorial roads, to be subject to all the conditions and regulations of this act, the same as if such roads were herein named; Provided always, that nothing herein contained shall conflict with or in any manner abridge the authority and supervision of the agent of the General Government over said roads, or over any now being, or hereafter to be projected.

Roads being surveyed

SEC. 5. This act shall take effect from and after its passage, and shall be favorably construed to effect the purposes thereby intended, and may be altered or amended at any time by the Legislature of this Territory.

Take effect

CHARLES GARDNER,
Speaker of the House of Representatives.
JOHN B. BRISBIN,
President of the Council.

APPROVED—March first, one thousand eight hundred and fifty-six.
W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original act on file in this office.

J. TRAVIS ROSBER,
Secretary of Minnesota Territory.