

charges out of the moneys received therefrom ; on sales of real estate three per centum on the amount for which the same is exposed to sale, and twenty-five cents for each certificate of sale under this act, which are to be added to and estimated in the sum for which any tract of land or lot, or part thereof, shall be sold.

SEC. 17. So much of any law now in force as contravenes the provisions of this act is hereby repealed.

APPROVED October the thirty-first, one thousand eight hundred and forty-nine.

Repealing section.

CHAP. XXIV.—An Act to provide for laying out Territorial Roads in the Territory of Minnesota and for other purposes.

Nov. 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota,* That all Territorial roads to be hereafter located and established within this Territory shall be viewed, surveyed, and established, and returns made thereof, agreeably to the provisions of this act, within one year from the passage of the act by which said road or roads may be granted or authorized to be laid out respectively.

Roads located, viewed, and surveyed, and return thereof in one year.

SEC. 2. The commissioners appointed to locate and establish any Territorial road, shall cause the same to be correctly surveyed and marked from beginning throughout the whole distance, by blazing trees in the timber, by setting stakes in the prairies, eighty rods apart, and properly marked. They shall establish mile posts, which shall be marked with a marking iron in regular progression of numbers of miles from the beginning to the termination of said roads, and shall also establish posts at every angle in said roads, marking as aforesaid upon the same and upon a tree in its vicinity, if any there be, the bearing from the true meridian of the course, beginning at said angle post, set as herein directed, and note the bearing and distance of two trees in opposite direction, if there be any in the vicinity, or any other landmark from each angle and mile post.

Commissioners to locate roads appointed, duty of.

SEC. 3. The commissioners and surveyor of each road shall make a certified return of the survey and plat of the whole length of each and every road so laid out, specifying in said return the width, depth, and course of all streams, the position of all swamps and marshes, and the face of the country generally, noting when timber and when prairie, and the distance said road shall have been located in each county.

Returns of survey, plat, etc. made.

SEC. 4. Said return and plat shall be signed by a majority of the commissioners and the surveyor of said road, and forwarded to the Secretary of the Territory within thirty days after the view and survey of the same, to be by him recorded and preserved. They shall also, within sixty days, deposit in the office of the clerk of the board of county commissioners of each county through which said road shall have been laid out and established, a copy of the return and plat as aforesaid of so much of said road as may be laid out and established in said county, to be there recorded as aforesaid.

Secretary of the Territory, return of roads to be made in thirty days, in sixty days a copy of plat filed with clerk of commissioners.

SEC. 5. All Territorial roads authorized to be laid out by any law of the Territory, and not yet commenced, shall be laid out in the manner prescribed in this act, and the commissioners shall comply with all the requisitions herein contained ; and further, the established width of all Territorial, town, and county roads, shall be sixty-six feet, and the line run by the surveyors shall be the centre of the road, unless otherwise described in the return.

Roads, width of sixty-six feet.

SEC. 6. When any road shall have been located and established agreeably to the provisions of this act, the same shall be and forever remain a public highway, and shall be worked on by the counties

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