

**CHAP. 1629.**—An Act To authorize the appointment of road overseers and to create road districts in the district of Alaska, and for other purposes.

April 27, 1904.  
[H. R. 13014.]

[Public. No. 188.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be the duty of the commissioner in each precinct in the district of Alaska, on the first Monday in the month of April in each year, to appoint a road overseer for the precinct in which he resides, and create a road district in the inhabited part of said precinct, which said district shall not include incorporated cities and towns.

Alaska.  
Appointment of  
road overseers, etc.,  
authorized.

To fill all vacancies in the office of road overseer in his precinct.

Vacancies.

To cause a record to be made defining the boundaries of said road district.

Record of road  
boundaries.

**TERM OF OFFICE AND QUALIFICATION OF ROAD OVERSEERS.**

Road overseers.

All road overseers shall hold office for one year and until their successors are appointed and qualified.

Term.

Every person appointed to the office of road overseer of any road district shall reside in the road district to which he has been appointed, and shall, within thirty days after he shall have been notified of his appointment, take and subscribe to an oath of office obligating himself to the faithful performance of the duties of his office, and shall forthwith cause such oath to be filed in the office of the commissioner of his precinct, and in case any such road overseer shall become nonresident of his road district, his office shall at once become vacant.

Residence.

Oath.

Each road overseer shall, before entering upon the duties of his office, execute a bond to the United States in a sum not less than

Bond.

double the amount of money which will probably come into his hands at any time during his term of office, with two or more sureties, the amount and sufficiency of the bond to be approved by the commissioner of the precinct, conditioned for the faithful discharge of the duties of his office, which bond shall be by him forthwith filed in the office of the commissioner and ex officio recorder. The approval of such bond shall be indorsed thereon by the commissioner.

Duties.

## DUTIES OF ROAD OVERSEER.

The duties of road overseer shall be such as may be prescribed by law.

Accounts.

Each road overseer shall keep an accurate account of all money received by virtue of his office and the manner in which the same has been disbursed, and to whom, and shall, on the last Saturday of March in each year, exhibit such account, together with his vouchers, to the commissioner for adjustment and settlement. Such account shall be in writing, verified by affidavit of the overseer that the same is in all respects a full and true account of all money received by him during the full term for which he should make settlement and the amounts expended and the manner in which they were expended.

Refusal to serve.

If any person appointed to the office of road overseer, unless unable from disease or other infirmity to discharge the duties of such office, shall refuse or neglect to serve therein, he shall be liable to a fine of twenty-five dollars; but no person so appointed who shall have served for a term next preceding such appointment shall be liable to such fine for refusing to serve if he shall have given notice in writing of refusal to the commissioner within twenty days after having been notified of his appointment.

Penalty.

Notice of refusal.

Refusal to deliver funds, records, etc.

Every road overseer who shall, after the expiration of his term of office, neglect or refuse to deliver on demand to his successor in office, after such successor shall have been duly qualified according to law, all moneys, records, books, papers, or other property appertaining to such office shall be liable to a fine of not less than fifty nor more than five hundred dollars.

Penalty.

Two days' work on roads, etc., required of male residents.

Road overseers of the different precincts are authorized, and it is made their duty, to warn out all male persons between eighteen and fifty years of age who have resided thirty days in the district of Alaska, who are capable of performing labor on roads or trails, and who are not a precinct charge, to perform two days' work of eight hours each in locating, constructing, or repairing public roads or trails, under the direction of the road overseer within whose precinct they may respectively reside, or furnish a substitute to do the same, or pay the sum of four dollars per day for two days' labor, and said road overseer shall receipt for the same and shall expend it in location, construction, or repairs on the public roads and trails within his precinct; and any moneys so received and not expended shall be paid over to his successor in office, who shall expend the same as above provided.

Substitute.

Payment in lieu of labor.

Notice.

The overseer of roads and trails in each precinct shall give notice to persons residing in his precinct liable to or charged with a road or trail tax of the time and place and the kind of work expected to be performed on the road or trail, and may direct what implements such persons shall bring with which to perform such work.

Failure to work on account of sickness, etc.

Whenever it shall happen, in consequence of sickness or absence from home, or any other cause, that the two days' work aforesaid shall not be performed within the time specified in this Act, the overseer shall be authorized to require the performance of such work at any time prior to the first day of October then next ensuing; and in case any person shall neglect or refuse to do the two days' work, or furnish a substitute, or pay in money the price of two days' labor, as provided

in this Act, he shall be deemed guilty of a misdemeanor and shall be fined in the sum of ten dollars for each day refusing so to work upon conviction before any justice of the peace of the precinct.

Penalty.

If any person shall appear at the proper time and place as directed by the overseer and neglect or refuse to do a reasonable day's work according to his ability, he shall be liable the same as if he had neglected or refused to appear, or furnish a substitute, or pay the sum of money as provided herein.

Refusal to work.

Under the direction of the overseer, and at his discretion, the above road tax may be performed by one day's work, together with an able-bodied man, a two-horse team with wagon, or a dog team consisting of not less than five dogs and a sleigh, or a reindeer team of not less than two reindeer and sleigh or cart.

Tax paid by one day's work. Condition.

It shall be the duty of each road overseer to receipt to each person who performs labor on the public roads and trails of his precinct under the provisions of this Act for the amount of labor so performed, and no person shall be compelled to pay road tax except in one precinct in the district of Alaska during one calendar year.

Receipt.

Double tax prohibited.

Each road overseer shall, on or before the first day of April in each year, report to the commissioner of the precinct the names of all persons subject to the two days' road tax for the preceding year, the names of those who have worked out said tax, the names of those who have paid the said tax in money, and the names of those delinquent, and also all moneys received by him from all sources, and how expended, and the account of said road overseer of the work performed by himself, which report shall be approved by said commissioner before any final settlement shall be made with such road overseer.

Annual report.

Each and every road overseer who shall neglect or refuse to perform the several duties enjoined upon him by this Act, or who shall, under any pretense whatsoever, give or sign a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the signing or giving of such receipts or certificates, shall forfeit for every such offense not less than five nor more than fifty dollars, to be recovered by an action before any justice of the peace within the precinct where such overseer may reside, and it is hereby made the duty of every United States attorney or assistant to prosecute all offenses against the provisions of this Act not otherwise provided for.

Failure of overseers to perform duties.

Penalty.

Prosecution.

PER DIEM.

Per diem, overseers.

Road overseers shall be allowed four dollars per day for all services required by this Act and actually performed in their respective precincts, to be retained out of money paid said road overseers from persons paying money or fines in lieu of two days' labor, upon the certified statement of the overseers, approved by the commissioner of the precinct: *Provided*, That no overseer shall receive pay for more than ten days in any one year, and not until he has made the return as provided in the preceding section, in duplicate, one copy to be retained by the commissioner and one copy filed with the clerk of the district court in the division in which the said precinct is situated.

Proviso. Maximum. Returns.

Any oath required to be taken by said overseer, acknowledgment of bond, or the filing or recording of any paper or plat authorized by this Act shall be free of cost to said overseer.

Oath, etc., to be free of cost.

Upon application of road overseers it shall be the duty of the clerk of the district court to furnish copies of this Act and blank forms of notices warning persons to perform road work, receipts for road work, bond, and oath, and for overseer's report to commissioner, the expense of which shall be paid out of the fund for paying the incidental expenses of the court.

Clerk of Court to furnish blank forms, etc.

The Attorney-General of the United States is hereby directed to

Copies of road laws  
for use of overseers.

furnish clerks of the district court in the different judicial divisions of Alaska a sufficient number of copies of this Act and other road and trail laws that may now be upon the statutes relating to roads and trails in the district of Alaska for use of road overseers in each judicial division.

Approved, April 27, 1904.