

## CHAPTER 524—H. F. No. 1393

*An act relating to town roads; amending Minnesota Statutes 1949, Section 163.17.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 163.17, is amended to read:

**163.17 Road on town line.** Subdivision 1. **Petition.** When any town board receives a petition similar to that required for establishing a town road, praying for the location, alteration, or vacation of a road on the line between that and an adjoining town, it shall immediately notify the town board of such adjoining town, and the town board of each town, or a majority of each, acting together as one board, shall determine the petition. They shall be governed, as to notice, survey, hearing, award of damages, filing and recording papers, and in all other matters pertaining to their duties, by the regulations in chapters 160 to 164 provided for the government of town boards in establishing, altering, or vacating town roads. A copy of the proceedings shall be filed in the town clerk's office in each town.

**Subd. 2. Division, before order.** Before making an order establishing a road under the provisions of this section, the two town boards shall divide the length of the proposed road into two parts, which parts may be of unequal length. Such division shall be so made as to divide, as nearly equal as possible, the cost and expense of constructing and maintaining the entire road to be established, and assigning to each of such parts one half of such cost and expense.

**Subd. 3. Opening.** After such division shall have been made the town boards shall thereupon by agreement determine which of such parts shall thereafter be opened, constructed, and maintained by each.

**Subd. 4. Maintenance or construction partly assumed by other governmental agency.** *Where a county, or this state, or the United States agrees to assume the duty of constructing, or maintaining, or both constructing and maintaining a length of road which is on town lines, the town board of the towns concerned shall divide the responsibility for construction and maintenance of the length of the road not covered by that agreement, in the manner provided in subdivision 2.*

**Subd. 5. No agreement on division; county board to make division.** *Where the town boards cannot agree upon a division under either subdivision 2 or 4, the county board, or*

*where the road is on a county line, the county boards of the counties concerned shall determine the proper division of responsibility. In making this division, the county board or boards shall proceed under subdivision 2. Where deemed necessary, the services of a county engineer may be used.*

Subd. 6. **Construction.** It shall be the duty of the town boards of the respective towns, parties to the laying out of a road under the provisions of this section, to proceed forthwith to open and construct its share of such road and thereafter maintain the same.

Subd. 7. **Hearing on petition.** When such a petition is presented to the council of a city or village and the town board of a town, praying for the location, alteration, or vacation of a road on the line between such town and the city or village, such council and board, or a majority of each, acting together as one board, shall determine the petition in the same manner in all respects as provided in section 160.15, and the provisions of section 160.15 shall apply to the town board and city or village council.

Approved April 21, 1953.

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#### CHAPTER 525—H. F. No. 1414

*An act relating to the deputies attending the district court, fixing the number and salary; amending Minnesota Statutes 1949, Section 387.26.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1949, Section 387.26, is amended to read:

**387.26 Deputies attending court.** The judge of the district court in each county, before the commencement of any general term, shall by order issued to the sheriff fix the number of deputies required during such term and direct the sheriff to furnish the same. The sheriff shall file this order with the clerk. Each such deputy shall receive such compensation as the judge shall determine, not exceeding \$8.00 per day, while attending such term of court.

Approved April 21, 1953.

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