

job of repair shall be ordered if it appears that the cost thereof will exceed the total benefits theretofore determined in the ditch proceeding.

(d) In all proceedings before the court, the judge shall, by order, apportion the costs and expenses between the several counties in the same manner as required in the original construction of the ditch.

(e) *If it is proposed to repair a ditch by resloping of open ditches, leveling waste banks, or removing trees, or by two or all of these actions, before ordering the repair, the board or court shall find and determine whether the resloping, leveling, and tree removal will require the taking of any property not contemplated and included in the original proceeding for the establishment of the ditch, and further, whether the waste bank leveling will directly benefit land upon which bank leveling is specified. If it appears that such resloping, leveling and tree removal will require such taking, or directly benefit such land, or both, before ordering the repair, the board or court shall appoint viewers to report thereon and hear and determine such damages and benefits, as provided by Minnesota Statutes, sections 106.151, 106.161, 106.171, 106.181, 106.191 and 106.201. Such damages, if any, shall be paid as provided by Minnesota Statutes, section 106.251 as a part of the cost of the repair, and such benefits, if any, shall be added to the benefits theretofore determined as the basis for the pro rata assessment for the repair of such ditch in such repair proceeding only.*

Approved April 21, 1953.

CHAPTER 533—H. F. No. 1499

An act relating to drainage; amending Minnesota Statutes 1949, Section 106.501, by adding new subdivisions.

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

Section 1. Minnesota Statutes 1949, Section 106.501, is amended by adding two subdivisions to read as follows:

Subd. 3. Definition, excludes extension of original ditch system. The improvement contemplated by this section may include extension only downstream to a more adequate outlet, not exceeding one mile, and the straightening, deepening, or enlarging of the original ditch system, including the construction of open ditches for relief of or in place of tile or the construction of tile in place of open ditch, but shall not include any

extension of the original ditch system, except outlet extension. This subdivision shall apply only to ditch improvement proceedings instituted after the effective date of this act.

Subd. 4. Petition for separable part of ditch system. *If the existing ditch system is out of repair and the petition for the improvement is for a separable part only of the existing ditch system, the engineer may include in his detailed report a statement showing the proportionate estimated cost of the improvement required to repair and restore the separable part of the existing system proposed to be improved and the estimated proportionate cost of the added work required to accomplish the improvement. In such case, notice of hearing on the engineer's report shall be given by publication and mailing to all persons owning lands and properties affected by the existing ditch system. The hearing may be held at the same time and place as the hearing for the establishment of the improvement. At the hearing, if it appears that only a separable portion of the existing ditch system will be improved and that such portion is out of repair, the board or court shall so find and shall find the proportionate cost of the improvement that would be required to repair the portion of said ditch to be improved, and by order direct that such proportion be allocated as repairs to be assessed against all the lands and property benefited by the entire ditch, as provided by Minnesota Statutes, Section 106.471, with the balance only of the cost of the improvement to be assessed in addition thereto against the lands benefited by the improvement.*

Approved April 21, 1953.

CHAPTER 534—H. F. No. 1510

An act relating to wild animals and the transportation of fish; amending Minnesota Statutes 1949, Section 97.45, Subdivision 6, and Section 98.46, Subdivision 5.

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

Section 1. Minnesota Statutes 1949, Section 97.45, Subdivision 6, is amended to read :

Subd. 6. A licensed non-resident may transport by common carrier to a point within or without this state, in any one season, one shipment containing not more than 15 pounds of undressed fish, or one fish of any size, or containing not more than ten pounds of filleted or dressed game fish, packaged as hereinafter expressly authorized, which have been lawfully