

lution adopted by said board or order made by said judge, that such ditch, drain or water course will be of public utility and promotive of or be conducive to the public health, and that the benefits or estimated benefits to be derived from the construction thereof are greater than the total cost including the damages awarded, and such ditch, drain or water course has been actually constructed, or the county has entered into a contract or contracts for the construction thereof, the county board of any such county is authorized to issue, negotiate and sell the bonds of such county in the manner, to the amount and for the purposes specified in Section 18 of said Chapter 448, General Laws 1907, notwithstanding the repeal of said Chapter 448 and notwithstanding any defects or irregularities in the proceedings for the establishment or construction of said ditch, and any bonds hereafter issued in connection with any ditch so established, authorized or constructed, are hereby declared to be legal and binding obligations of the county issuing the same.

Approved April 23, 1915.

CHAPTER 275—S. F. No. 740.

An Act empowering cities of the first class, not operating under a home rule charter, to drain or fill in low, marsh and swamp lots and land injurious to the public health and to provide for the payment therefor by assessing the cost thereof upon the property benefited thereby.

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

Section 1. Minneapolis given power to drain low land.—Any city of the first class, not operating under a home rule charter, shall have power and authority to drain or fill any low, marsh or swamp lots and land in said city, which is injurious or detrimental to the public health.

Sec. 2. Cost to be assessed to lands benefited.—Whenever the city council or other governing body of said city shall determine that any low, marsh or swamp lots or land, within the limits of said city, is injurious or detrimental to the public health, it may drain or fill such lots and land with earth or other material and assess the cost, or any part of the cost thereof, upon the lots and land benefited thereby.

Sec. 3. Petition of freeholders and action on the same.—Whenever twenty-five or more residents and freeholders of said city file with the city clerk of said city a petition to drain or fill any low, marsh or swamp lots and land within the limits of said city, said city clerk shall present said petition to the city council of said city at its next regular meeting. It shall thereupon be the duty of the city engineer of said city to make and file in the office

of said city clerk an estimate of the cost of such improvement, stating therein the proportion of such estimated cost as to each lot or parcel of land to be drained or filled, and also a list of the several lots and parcels of land proposed to be drained or filled, and the names of the owners of the several lots or parcels of land as nearly as the city engineer can readily ascertain the same, and the amount of assessment for benefits to be levied upon each of said lots and parcels of land, and upon the lots and parcels of land adjacent thereto, or in the vicinity thereof that may be benefited by said improvement, not to exceed, however, the estimated cost of said improvement. Thereupon it shall be the duty of said city clerk to give notice to all parties interested by one publication in the official paper of said city that he will at the next meeting of the city council, or as soon thereafter as practicable, present such petition, estimate and report of the city engineer to the city council for consideration and action, which said notice shall be published at least five days before the meeting of said city council in which said petition, report and estimate are to be considered; said published notice shall contain a description of the several lots and parcels of land proposed to be drained or filled, and a description of the several lots and parcels of land proposed to be assessed for said improvement, and the amount proposed to be assessed against each of said lots and parcels of land, together with the names of the owner or owners of each of said lots and parcels of land, as nearly as the same can be readily ascertained, a copy of which notice shall be mailed by the city clerk to the owners of such lots and parcels of land so drained or filled and benefited so nearly as can be ascertained from the records in the office of the county auditor and otherwise. At said meeting of the city council at which said petition, report and estimate is to be heard, said city council may act upon the same and hear any complaint or objection as to the propriety and necessity of such improvement and assessment proposed to be levied against said lots and parcels of land, or any of them, or it may refer the matter to a committee of the council to hear said objections and complaints, and report thereon.

After such hearing the city council of said city may by resolution determine and provide that certain lots and land or any portion thereof, shall be drained or filled, and may adopt the assessment made by said city engineer, or may revise the same as they may deem just, and may assess the cost of said improvement, or any portion thereof on the lots or lands to be drained or filled, or the lots and lands adjacent thereto or in the vicinity thereof which said city council may determine to be benefited by said improvement, and in and by said resolution the city council shall estimate and fix upon the cost of such improvement and assess and levy such cost, or any portion thereof, upon the lots and par-

cells of land benefited by said improvement to the amount of such benefit, and the city council shall cause to be made and shall adopt an assessment roll thereof in any form which the city council may deem proper. Said assessment roll shall be made up and returned to the county auditor of the county in which said city is located, and said assessment shall be spread upon the books of said county auditor and all other proceedings had as in the case of assessment for sewers, water mains, or other local improvements; provided, however, that when such assessment roll shall have been delivered to the county auditor of said county, said county auditor shall divide each assessment for such improvement into five equal parts, as nearly as the same can be divided, and shall in the books of his office extend said assessment over five successive years succeeding to the year in which said assessment shall have been ordered, that is to say: said assessments are to be paid in five equal annual installments, with interest to be paid annually on each one of said assessments after the first installment, at the rate of six per cent per annum, and the owner or owners, or other persons whose duty or right it may be to pay such special assessment, shall have the right to pay the same at any time after the first year's installment becomes due, or they may pay the same in said five annual installments, with interest on each one of said deferred installments to be paid annually at the time of paying the assessment due each year; and the auditor of said county shall at the time of extending such special assessment on the tax list in such parallel columns for such assessment, add to the amount of each assessment for each year after the first installment, interest on each installment remaining unpaid, at said rate of six per cent per annum on the whole of such unpaid installments, and said interest on the whole of said installments shall be paid each year at the same time, and in the same manner that said installments are to be paid.

Sec. 4. Certificates of indebtedness authorized.—The city council for the purpose of realizing the funds for making such improvement may issue and sell special certificates of indebtedness, which shall entitle the holder thereof to all sums realized upon such assessment, or if deemed advisable a series of two or more certificates against any one assessment which shall entitle the several holders thereof to share pro rata all sums realized upon such assessments including interest and penalties, and the city council may bind the city to make good deficiencies in the collection up to but not exceeding the principal and interest at the rate fixed as hereinafter provided. If the city because of any such guaranty shall redeem any certificate it shall thereupon be subrogated to the holders' rights. For the purpose of such guaranty penalties collected shall be credited upon deficiencies of principal and interest before the city shall be liable. Such certificates shall

bear interest at a rate to be fixed by the city council of said city not exceeding, however, six per cent per annum, and such certificates may be sold at public or private sale, but for not less than the par value thereof. The city's liability upon such guaranty shall not be taken into account as a part of its indebtedness until the amount of such deficiency of collection, defined as aforesaid, is determined and then only for the amount of such deficiency.

Sec. 5. This act shall be in force from and after its passage.

Approved April 23, 1915.

CHAPTER 276—S. F. No. 826.

An Act relating to the conservation and protection of mussels in Minnesota waters.

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

Section 1. **Unlawful to catch mussels without license.**—It shall be unlawful to take, catch or kill mussels for commercial purposes without a license issued by the state game and fish commission.

Sec. 2. **Licenses to be issued by game and fish commission.**—The state game and fish commission shall upon application issue a license to take, catch or kill mussels. On making application for such license, residents of this state shall pay to the state game and fish commission a fee of one dollar and non-residents shall pay to such game and fish commission a fee of twenty-five dollars, and for authority to use a dredge, a fee of twenty-five dollars in addition to the fee fixed for a resident or a non-resident license. All such licenses shall expire on the thirty-first day of December following their issue. Licenses shall be consecutively numbered as issued and a record shall be kept thereof in the office of the state game and fish commission. Such license shall state whether it is a resident or non-resident license, whether the licensee is authorized to use a dredge, the resident address of the licensee and the amount paid for the license. Said license shall also state what waters have been closed to the capture of mussels by authority of this act.

Every person, while taking, catching or killing mussels for commercial purposes, shall have his license with him ready for exhibition and shall exhibit the same when requested to do so by an authorized officer.

Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars, or by imprisonment in the county jail not less than twenty days.