

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.

Sec. 3. What may be done under license.—Any person, firm or corporation to whom a license under the provisions of this act has been issued, under such license so issued:

(1) May operate not more than one boat in taking, catching or killing mussels for commercial purposes. Any such person, firm or corporation may use one additional boat for purposes of towing only when no apparatus for taking, catching or killing mussels is used or kept thereon.

(2) It shall be unlawful to have in possession on the waters while engaged in taking, catching or killing mussels for commercial purposes more than two crowfoot bars, or more than one dredge, or to use or have in possession a crowfoot bar of greater length than sixteen feet, or a dredge the length of the opening of which is more than three feet, and which has prongs or forks more than four inches in length, or to have in possession on the waters while engaged in taking, catching or killing clams, a dredge without licensed authority therefor.

Any person, firm or corporation violating any of 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.

Sec. 4. Size of mussels to be killed and penalty for violation. It shall be unlawful to take, catch or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than one and three-fourths inches in greatest dimensions, except mussels taken in the ordinary course of clamming for larger mussels, and such undersized mussels shall be immediately culled and returned to the water whence taken without avoidable injury.

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

Sec. 5. Game and fish commission to prescribe areas in which mussels may be caught.—The State Game and Fish Commission may from time to time and as may be required for the conservation of the mussel resources of the state, prescribe areas in any part of the state from which mussels shall not be taken for such a period as may be specified by the commission, but no such period shall exceed five years, nor shall more than one-half of the mussel producing waters of the state be closed at the same time. It shall be unlawful to take, catch, or kill mussels for commercial purposes in waters so closed.

All orders of the game and fish commission affecting mussels shall be published once in a newspaper of general circulation, published within each county containing or having on its boundary waters affected by such order.

All such orders shall take effect at the time fixed therein, but not less than thirty days after the publication thereof. The game and fish commission may extend the time within which such order shall take effect.

Any person, firm or corporation who shall violate the provisions of this section in taking, catching or killing mussels for commercial purposes in any waters of this state which have been declared closed areas by the game and fish commission shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail not less than sixty days.

Sec. 6. **Report to be made by mussels caught.**—On or before the thirty-first day of December of the year in which any license was issued, the holder thereof shall make a written report to the state game and fish commission on blanks furnished by them stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such report, the state game and fish commission shall not issue another license to such person, firm or corporation to take, catch or kill mussels until such report shall be made.

Sec. 7. **Fees to be paid into general revenue fund.**—All moneys received under the provisions of this act shall at the end of each month be paid into the general revenue fund of the state.

Sec. 8. **Enforcement by game and fish commission.**—The state game and fish commission shall enforce the law relating to mussels and for the purposes of carrying into effect said law the commission, its executive agent and game wardens are authorized and empowered, without warrant, to arrest any one violating any of the provisions of this act, and to seize mussels and devices adapted to taking, catching or killing mussels, and to inspect and examine mussels in any warehouse, boat, store, car, conveyance, vehicle, basket or other receptacle, when they have good cause to believe that any of the provisions of the law relating to mussels has been violated, except when it is necessary forcibly to enter a dwelling house. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that mussels illegally taken, caught, killed or had in possession are concealed, shall issue a search warrant and cause a search of the alleged place of concealment to be made. The confiscation and sale of mussels by the state game and fish commission or by any game warden shall proceed in the manner provided by law for the sale of confiscated fish.

Sec. 9. **Construction of certain terms.**—As used in this act the words:

(1) "Mussels" shall mean and embrace the pearly, fresh water mussel, or clam, or Naiad, and the shell thereof.

(2) "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of mussels.

(3) "Dredge" shall mean any implement of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crowfoot bar.

(4) "Commercial purposes" shall mean and be presumed to include the taking, catching or killing of any mussels and having in possession of mussels, unless the contrary is proven.

Sec. 10. Wisconsin license to be honored in Mississippi river. Any persons duly licensed by the authorities of the State of Wisconsin to take and catch mussels from or in the waters forming the boundary line between the states of Wisconsin and Minnesota are hereby authorized to take and catch mussels from and in that portion of said waters lying and being within the territorial jurisdiction of the State of Minnesota without first having procured a license therefor from the authorities of the State of Minnesota; provided that such persons so licensed by the authorities of Wisconsin shall not take or catch any mussels within the territorial jurisdiction of the State of Minnesota at a time and in a place or in a manner otherwise prohibited by this act. Provided further that the laws of the State of Wisconsin provide for and extend a similar privilege to persons licensed hereunder by the authorities of the State of Minnesota to take and catch mussels from and in the waters lying within the territorial jurisdiction of the State of Wisconsin without a license from the authorities of the State of Wisconsin.

Sec. 11. Not to be effective until Wisconsin enacts a similar law.—This act shall take effect whenever, after passage and publication thereof, the State of Wisconsin shall have enacted a similar law.

Approved April 23, 1915.

CHAPTER 277—S. F. No. 921.

An Act to amend Sections one (1) and two (2) of Chapter one hundred sixty-six (166) of the General Laws of 1915, being "An Act to provide for the membership and election of members of the Board of Park Commissioners in cities now or hereafter having a population of over fifty thousand (50,000) inhabitants, and not having a home rule charter, and repealing all acts and parts of acts inconsistent herewith."

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

Section 1. Composition of board of park commissioners of Minneapolis.—That Section 1 of Chapter 166 of the General Laws