

Record prima facie evidence.—Sec. 15. The record thereof and a certified copy of the record of any order of the county board made under this act shall be prima facie evidence of the facts therein stated, and of the regularity of all the proceedings prior to the making of such order.

Amounts previously paid to be credited.—Sec. 16. All persons who shall pay any assessments made for the same purposes for which the second assessment is made because of the invalidity of such first assessment, shall be credited with the amount paid by them on such assessment, and if such payments have exceeded the amount of the second assessment, as made under the provisions of this act, the amount overpaid shall be repaid to the person or persons who have made such payments, upon the allowance of a claim therefor by the county board and by means of a warrant of the county auditor upon the general ditch fund of the county, if any, and if none, from the general revenue fund of the county. An appeal will lie from the allowance of a claim of this kind the same as from the allowing of ordinary claims against the county.

Not to affect any action now pending.—Sec. 17. This act shall not affect any action now pending in any of the courts of this state.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved April 10, 1911.

CHAPTER 114—S. F. No. 662.

An Act to authorize cities in the State of Minnesota now or hereafter having a population of over fifty thousand inhabitants, and all such cities now or hereafter governed by a charter adopted pursuant to Section 36, Article 4, of the Constitution of the State of Minnesota, to acquire, improve, maintain and also to control the use of levees upon either side of any navigable stream within the limits of such city when the channel thereof is changed or moved under or by authority of the United States Government, and to issue and sell bonds to aid in defraying the expense thereof.

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

Certain cities given right to acquire levees.—Section 1. Any city in this state now or hereafter having a population of over fifty thousand inhabitants and any such city now or hereafter governed by a charter adopted pursuant to section 36, article 4

of the constitution of this state, shall have the power to acquire and hold in fee simple, by purchase or condemnation, levees not exceeding two hundred feet in width on either side of any navigable stream within the limits of such city when the channel thereof is altered or changed by or under the authority of the United States Government, and may set aside such portions of said levees when acquired as the public needs may require for use for public travel and may devote the remained thereof to such uses as the common council of such city shall deem for the best interests of the city, or as required by the United States Government.

\$500,000 bonds authorized.—Sec. 2. That any such city may by ordinance adopted by a two-thirds vote of all members elect of its common council, issue and sell the bonds of such city of the par value of not exceeding five hundred thousand dollars, (\$500,000.00) to aid in defraying the expense of acquiring and improving the levees mentioned in section one of this act.

Bonds issued notwithstanding limitation contained in charter.—Sec. 3. The bonds authorized by this act or any portion thereof, may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, and the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act and for the payment of the current interest thereon, and the common council of such city shall each year include in the tax levy a sufficient amount to provide for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

Bonds to run for 30 years at 4 per cent.—Sec. 4. No such bonds shall be issued by any such city for the purposes hereinbefore mentioned, to run for a longer term than thirty years or bearing a higher rate of interest than four per cent. per annum, payable semi-annually, but the place of payment of the principal and interest thereof and the denominations in which the same are issued shall be such as may be determined by the common council and may be in the form of coupon bonds or registered certificates, so-called. All of said bonds shall be signed by the mayor, be attested by the city clerk and countersigned by the city comptroller of the city issuing the same, and shall be sealed with the seal of such city; but the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. None of said bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor.

Sec. 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 10, 1911.

CHAPTER 115—S. F. No. 704.

An Act to amend Chapter 32 of the General Laws of 1909, relating to the taking of fish with nets or seines in lakes within the limits of certain cities.

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

Fishing in lakes under control of park board to be licensed.

—Section 1. That chapter 32 of the General Laws of 1909 entitled "An act to amend chapter 315 of the General Laws of 1907, relating to the preservation, propagation, protection, taking, use and transportation of game and fish," approved February 27, 1909, be and the same is hereby amended by striking out the words "or national" where the same appear in the fourth line of the second paragraph of said chapter, so that said paragraph, when so amended, shall read as follows:

"No person shall take any fish with nets or seines in any lake situated within the territorial limits of any city having a population of not less than twenty thousand nor more than fifty thousand according to the last preceding state census, when the shores of such lake are wholly or partially under control and management of a board of park commissioners, unless permission so to take such fish shall have been granted by such board of park commissioners. Such board shall have power to require payment from the person to whom such permission may be granted for the privilege of so taking fish, and all moneys paid for such privilege shall be placed in the city park fund of such city to be used for the maintenance of its public parks."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1911.