

personal estate as the probate court deems necessary for their maintenance during the settlement of the estate, according to their circumstances, which in case of an insolvent estate shall not be longer than one year after administration is granted, nor, in any case, after the distributive share of the widow in the residue of the personal estate has been assigned to her.

4. If from the inventory of an intestate estate it appears that the value of the whole estate does not exceed the sum of one hundred and fifty dollars in addition to the allowances made for the widow and children, the court, after the payment of the funeral charges and expenses of administration, shall assign for the use and support of the widow or the children, or both, constituting the family of the decedent, the whole of said estate.

5. If the personal estate amounts to more than the allowances mentioned in this section, the excess thereof, after the payment of the funeral charges and expenses of administration, shall be applied to the payment of the decedent's debts.

6. The residue, if any, of the personal estate shall be distributed as follows: one-third thereof to the surviving spouse if any free from any testamentary disposition thereof to which survivor shall not have consented in writing; the remainder of such residue, or, if there be no surviving spouse, then the whole thereof, except as otherwise disposed of by will, shall be distributed in the same proportions to the same persons and for the same purposes as prescribed for descent of real estate by Section 7238 subds. 1-6.

7. All the provisions of this Section shall apply as well to a surviving husband as to a surviving wife.

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

Approved April 24, 1915.

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#### CHAPTER 351—H. F. No. 768.

*An Act to amend Section 4795 of the General Statutes of 1913, relating to permits to retain game.*

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

**Section 1. Game birds not to be retained after Dec. 31st and no parts of moose or deer after Jan. 31st of year in which or following the taking.**—That Section 4795 of the General Statutes of 1913, be amended so as to read as follows:

4795. Permits to retain game—Application to commission—Tags or seals—Prohibitions—Penalties—Any person who is a resident of this state and legally in possession of any of the game birds or game animals, or any part thereof, which have been caught, taken or killed at a time or in a manner permitted by

the provisions of this chapter, and who is desirous of retaining possession of the same for his own use after the time in this chapter limited, shall before such time, make application to the commission for leave to retain the same, which application shall be in writing and signed or sworn to by the applicant and shall state:

First. The name and residence of the person in possession of such birds or animals or parts thereof.

Second. The number, kind and location of said birds or animals or parts thereof.

Third. That if permitted to retain the same by said commission the applicant will retain possession of said birds and animals for his own use and will not ship, sell or dispose of the same.

If said commission is satisfied that said application is made in good faith and said applicant will keep said birds and animals and parts thereof, for his own use and not for sale, the said commission shall cause tags or seals which shall not be duplicated by others, and which shall not be removed, to be attached to each bird or animal or parts thereof, or in lieu thereof; if any applicant therefor resides at a distance from any game warden then the commission may issue to such applicant a written permit to keep and use such game.

The person making such application shall, before said tags or seals are attached, pay to the commission the reasonable expense of making and attaching such tags and seals. After the tags and seals have been so attached, or such permit received, the person holding such permit may, while the tags or seals remain upon said birds and animals and parts thereof, retain possession of the same until consumed; *provided, that no game birds may be retained or had in possession after December thirty-first (31) of the year in which such game birds were taken or killed, and that no moose or deer or parts thereof may be retained or had in possession after January 31st of the year following that in which such game was taken or killed.*

Provided, that nothing in this chapter contained shall prevent a person from disposing of as a gift, any of the birds and animals mentioned herein. The having in possession of any game bird or animal or any part thereof which is not so tagged and sealed or for which a retention permit has not been received, except during the open season and five days thereafter is hereby made unlawful. Any such game bird or game animal, or any part thereof, had or held in possession by any person during the season when it is unlawful to have the same in possession, is hereby declared contraband and the right of any such person to retain or use the same shall cease. Any person who shall destroy, imitate, or duplicate any tag or seal attached to any bird or

animal or part thereof, or who shall ship or sell any game bird or animal or any part thereof, which has been tagged or sealed as aforesaid, or for which a permit to keep and use the same has been issued, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty nor more than sixty days for each and every bird or animal or part thereof, so shipped, sold or disposed of.

Approved April 24, 1915.

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CHAPTER 352—H. F. No. 769.

*An Act amending Section 4808 of the General Statutes of Minnesota for 1913, relating to the number allowed and manner of taking fish.*

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

Section 1. **Limiting number of fish to be taken and use of artificial lights in spearing, and distance from fishway.**—That Section 4808 of the General Statutes of Minnesota for 1913 be amended so as to read as follows:

4808. Number allowed—Manner of taking—Nets in inland lakes—Permit. No person shall catch, take or kill more than *twenty-five (25) crappies or trout of any variety, fifteen pike-perch or walleyed pike, fifteen (15) bass of any variety except rock bass*, in any one day, nor in any other manner than by angling for them with a hook and line held in the hand or attached to a rod so held, nor with more than one line or with more than one bait attached thereto, *except that it shall not be unlawful to use three artificial flies in trout fishing, and no person shall have in his possession more than twenty-five (25) bass of any variety except rock bass*, and no person shall have in his possession any fish caught, taken or killed in any of the waters of this state except as provided in this chapter.

Provided that pickerel, suckers, redhorse, carp, and bullheads may be taken with a spear without limit at any time, but no artificial lights shall be used in taking of said fish, *except that artificial lights may be used in spearing such fish in streams only during the months of April and October, provided that no such lights shall be used in spearing fish within five hundred (500) feet of any lake, and provided further that no fish shall be speared at any time within one hundred (100) feet of any fishway or dam or within one hundred (100) feet of any state fish hatchery, but this provision shall not apply to any county now having a population of over 200,000 inhabitants, or to any*