

order. Upon such hearing the court shall make such order as it deems appropriate, which order shall be final and conclusive as to all matters thereby determined, and shall be binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal to the Supreme Court may be taken from such order within 30 days from the entry thereof, by filing notice of appeal with the clerk of district court, who shall mail a copy of such notice to each adverse party who has appeared of record.

Sec. 4. Guardian may be appointed.—If any person upon whom the court has ordered that personal service be made is a minor or otherwise incompetent to act in his own behalf and has no general guardian within the state, or if any party in interest is unascertained or not in being, or unknown to the trustee or outside the State of Minnesota, the court itself shall be deemed to represent such person or persons, but may, upon the application of the trustee or any other person interested therein, appoint a guardian ad litem for any such minor or incompetent person.

Sec. 5. Application.—This Act shall not apply to trusts in the nature of mortgages or to trusts commonly known as voting trusts. The word "person" as used herein shall refer to an artificial as well as to a natural person.

Sec. 6. Not to limit jurisdiction of court.—Nothing in this Act contained shall be deemed to limit or abridge the power or jurisdiction of the district court over trusts and trustees.

Approved April 15, 1933.

CHAPTER 260—H. F. No. 1054

An act authorizing cities of the third class to reimburse persons, firms, or corporations who have heretofore deposited with or paid to such municipality a certified check or other negotiable instrument and such check or negotiable instrument has been declared forfeited.

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

Section 1. Cities to reimburse persons for forfeited checks in certain cases.—That all cities of the third class are hereby authorized to reimburse persons, firms or corporations who have heretofore deposited with, or paid to such municipality, a certified check or other negotiable instrument in conjunction with a bid submitted by such person, firm or corporation to secure a contract

for public work with such municipality, in the sum of the certified check or negotiable instrument so deposited or paid to such municipality, in all cases where such certified check or other negotiable instrument has been declared forfeited by such municipality.

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

Approved April 15, 1933.

CHAPTER 261—S. F. No. 1079

An act relating to wild animals and to the preservation, protection and propagation thereof and relating to the taking of certain fish with the aid of structures commonly designated as dark houses, amending Mason's Minnesota Statutes of 1927, Section 5585.

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

Section 1. **Spearing of fish from dark houses.**—That Mason's Minnesota Statutes of 1927, Section 5585, be and the same is hereby amended to read as follows:

"5585. *Dark Houses* to protect a person fishing through the ice to take by spearing or angling, pickerel, carp, dogfish, buffalo-fish, waterfish, tullibees, sheepshead, bullheads, catfish, eelpout, garfish, suckers and redhorse, may be used from December 1st to February 1st, following, both inclusive, in all waters of this state, including those over which Minnesota has concurrent jurisdiction with other states, only under license from the *director of game and fish* for which a fee of \$1.00 shall be paid. Such license shall be granted by the *director of game and fish* only on satisfactory evidence that such *dark house* will be used by the applicant for taking fish for domestic or personal use, and not for commercial purposes, provided, that carp so *taken* may be bought and sold at any time. Not more than one *dark house* shall be used by any one person, and every licensee shall have his license on his person while fishing in a *dark house*. The number of the license shall be plainly marked on the exterior of the *dark house*. *Within five days after the close of the season for the use of dark houses, such dark houses shall be removed from the lake, pond or stream on which maintained, and all such dark houses, together with any other enclosures, sheltering structures or appliances remaining on any lake, pond or stream later than five days after the close of the season for the use of dark houses are hereby declared to be public nuisances and the*