

Sec. 8. Appropriations.—The unexpended balance remaining of the amounts appropriated by Laws 1931, Chapter 410, Laws 1933, Chapter 406, and Laws 1935, Chapter 323, Laws 1937, Chapter 425, are hereby reappropriated and the further sum of \$40,000.00, or so much thereof as may be necessary is hereby transferred and reappropriated from the balance remaining in the appropriation heretofore made in Laws 1933, Chapter 426, Section 9, Item 5, to carry out the provisions of this act for the year ending June 30, 1940. If the amounts herein appropriated are insufficient to pay the aid authorized hereby in full, the state auditor shall apportion the amount available in proportion to the amounts to which such school districts are entitled as shown by such certificates.

Approved April 21, 1939.

CHAPTER 377—S. F. No. 290

An act defining wilful trespass of property and providing penalty therefor.

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

Section 1. Willful trespass a misdemeanor.—Every person who has no right of possession and who refuses to depart from and surrender possession of property when ordered to do so by the owner thereof and who thereafter wilfully continues to trespass upon said property shall be guilty of a misdemeanor, provided, however, that this Act shall not apply in any case where immediately prior thereto there existed between the owner and the person in possession the relationship of landlord and tenant, vendor and vendee, or mortgagor and mortgagee or their respective successors or assigns.

Approved April 21, 1939.

CHAPTER 378—S. F. No. 483

An act concerning the meaning of failure of issue, to remove uncertainty and doubt therefrom, and to repeal Mason's Minnesota Statutes of 1927, Section 8052.

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

Section 1. Definitions.—Unless a different intent is effectively manifested, whenever property is limited upon the

death of any person without "heirs" or "heirs of the body" or "issue" general or special, or "descendants" or "offspring" or "children" or any such relative described by other terms, the limitation is to take effect only when that person dies not having such relative living at the time of his death, or in gestation and born alive thereafter, and is not a limitation to take effect upon the indefinite failure of such relatives; nor, unless a different intent is effectively manifested, does the limitation mean that death without such relative is restricted in time to the lifetime of the creator of the interest.

Sec. 2. Act repealed. — Mason's Minnesota Statutes of 1927, Section 8052 is hereby repealed.

Approved April 21, 1939.

CHAPTER 379—S. F. No. 659

An act providing that certain firemen's civil service commissions may not be abolished; and to amend the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 1933-40.

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

Section 1. Firemen's Civil Service Commission may not be abolished in certain cases.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 1933-40, is hereby amended so as to read as follows:

"1933-40. Any firemen's civil service commission hereafter created, pursuant to the provisions of this act, *except where such civil service commission has been continuously in operation for eight years or more*, may be discontinued and abolished as follows: A petition signed by 25 per cent of the number of legal voters voting at the last general municipal election, shall be filed with the governing body of such city or village, and shall request that the following question be submitted to the voters, to-wit: "Shall the Firemen's Civil Service Commission be abolished?"

Approved April 21, 1939.

CHAPTER 380—S. F. No. 689

An act relating to the open season for the taking of certain