

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 Act repealed. — Mason's Minnesota Statutes of 1927, Section 8052 is hereby repealed.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

fish and sale thereof, amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5574.

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

Section 1. Open season for taking certain fish.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 5574, hereby is amended to read as follows:

“5574. Carp, dogfish, redhorse, sheepshead, catfish, suckers, eelpout, garfish, bullheads of any size, whitefish not less than 16 inches in length, and buffalofish of not less than 15 inches in length may be taken by angling, except during March and April, or by spearing through the ice between December 1st and March 1st following, both inclusive, and possessed without limit, unless otherwise specially provided *except that it shall be unlawful for any person to have in his possession more than 50 bullheads so taken at any given time.* Such fish may be bought or sold in any quantity at any time. Provided however that the Director of Game and Fish may allow the use of artificial lights in spearing rough fish in such waters as he may deem proper. Provided further that the Director of Game and Fish may allow the taking of suckers, redhorse and carp, by angling at any time in the Root River from the east city limits of the City of Rushford in Fillmore County, Minnesota, to the Mississippi River. *Provided that the provisions of this act with reference to the possession limits of bullheads, shall not apply to bullheads taken from the waters of Lake Traverse by angling only.*”

Sec. 2. Open season for bull heads in certain counties.—*Bullheads may be taken in Itasca County under the following restrictions:*

(a) *Licenses to take such bullheads by the use of fyke or hoop nets with hoops not to exceed four feet shall be issued for a fee of five dollars, provided each net shall be marked with a metal tag furnished by the Director of Game and Fish, and not more than four tags may be issued to any one licensee.*

(b) *No fishing under such licenses shall be permitted from the 15th day of June to the 15th day of August of any year.*

(c) *Upon the effective date of this act, the director of game and fish shall by order declare a group of not less than four lakes or more than six and such rivers or portions thereof as may be deemed advisable in said territory open to the fishing herein provided for, which waters shall remain open*

for such fishing until closed by a further order of the director of game and fish. Upon the closing of any group as above provided for, the director may open another group for such fishing.

(d) No licenses shall be granted to any non-resident of the state of Minnesota nor to any person except that he be able to satisfy the director of game and fish that he has sufficient knowledge of the lakes proposed to be fished to enable him to operate in said lakes without causing harm to game fish.

(e) Nets tagged pursuant to this section shall not be set or raised hereunder except after sunrise and before sunset of each day.

(f) The director of game and fish shall establish a checking and weighing station where required and where all bullheads taken under this section shall be brought and weighed. One cent per pound dressed weight on all bullheads taken hereunder shall be paid to the director of game and fish to be by him paid into the state treasury, to be credited in turn to the Fish Lakes Improvement Revolving Fund.

(g) The director of game and fish is hereby authorized to promulgate such rules and regulations as may be necessary or desirable in carrying out the purposes of this act and is authorized to impose such further restrictions and regulations as may be necessary to prevent the undue depletion of the species hereby affected.

Sec. 3. Violation a gross misdemeanor.—Any person who violates any of the provisions of this act or any rules or regulations promulgated under the authority hereof, shall be guilty of a gross misdemeanor; and, upon conviction thereof, his license shall become null and void and no similar license shall be issued to him for a period of one year following the date of said conviction.”

Approved April 21, 1939.

CHAPTER 381—S. F. No. 695

An act relating to wild animals, determining the open season for rabbits and hare.

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