

manner as in criminal trials, except that *the number of peremptory challenges to be allowed on either side shall be as provided in this section.* Before challenging a juror, either party may examine him in reference to his qualifications to sit as a juror in the cause. *A sufficient number of jurors shall be called in the action so that 12 shall remain after the exercise of the peremptory challenges, as provided in this section and section 9293, and to provide alternate jurors when ordered by the court under the provisions of Laws 1941, Chapter 256. Each party shall be entitled to three peremptory challenges, which shall be made alternately beginning with the defendant. The parties to the action shall be deemed two, all plaintiffs being one party, and all defendants being the other party, except, in case two or more defendants have adverse interests, the court, if satisfied that the due protection of their interests so requires, may allow the defendant or defendants on each side of the adverse interests not to exceed three peremptory challenges. When the peremptory challenges have been exhausted or declined, the first twelve of the remaining jurors shall constitute the jury.*

Approved March 30, 1943.

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CHAPTER 229—H. F. No. 290.

*An act relating to wild animals and the removal of rough fish and turtles from public waters of the state, and repealing Mason's Statutes 1927, Sections 5604, 5605, 5606, 5607, 5608, 5609, and Mason's Supplement 1940, Section 5609-1, Mason's Statutes 1927, Section 5609-2, 5609-3, 5609-4, 5609-5, 5609-6 and 5609-7, and Mason's Supplement 1940, Sections 5574-5 and 5574-6.*

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

**Section 1. Director of game and fish may remove rough fish under certain conditions.**—When, after an investigation by the director, he finds that any of the following conditions exist:

(1) That carp, buffalofish, perch, suckers, sheepshead, dogfish, eelpout, tullibees, garfish, goldeyes, bullheads, and turtles inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein; or

(2) That such fish inhabit any of the public waters of this state in such numbers as to destroy or substantially injure wild celery, wild rice, or other aquatic plant life growing therein; or

(3) That such removal is necessary and desirable to properly cultivate and preserve any species of fish therein; or

(4) That the removal of the fish above designated and turtles will result in an improvement in the quality of such fish remaining therein and will increase the quantity thereof; or

(5) That such removal will prevent the destruction of wild celery, wild rice, and other aquatic plant life in such waters; and

(6) That such waters are not suitable for taking fish by angling; and

(7) That such removal may be undertaken and accomplished without the undue depletion of any species of fish therein; and

(8) That such removal will be in accordance with the generally accepted principles of scientific fish culture;

Then, and in such case, he may provide, by contract or by day labor under his supervision, or both, for the taking and removal of the fish designated and turtles by means of seines, nets, or any other devices at any time.

**Sec. 2. May contract for removal of fish.**—Contracts for the taking and removal of the designated fish and turtles shall be awarded to residents of the state by the director and each such resident applicant shall, when submitting his application to the director for the taking of the designated fish and turtles, file a sworn statement with the director giving his name and legal voting address, occupation, list of fishing equipment actually owned by him, value of the equipment, and the nature and years of his experience in the taking and removal of the designated fish and turtles, and what particular knowledge he possesses of the body of water he desires to fish. The director may award contracts specifying each body of water covered therein on the basis of the experience, qualifications, and equipment of the several applicants. No contract shall be entered into with any person who has been convicted of violating the laws of this state relating to wild animals within a period of one year, nor to any person who is not fully equipped and experienced to undertake successfully the taking and removal of the designated fish and turtles. No contract shall be transferable nor shall any transfer or assignment thereof be valid. Based upon the size, quantity, and quality of the designated fish and turtles to be taken and removed, size of lake or stream to be fished, depth of water therein, topography of bed, and

kinds and sizes of nets which may be successfully used therein, the director may award fishing contracts on a percentage basis, based on the gross proceeds received from the sale of the designated fish and turtles.

**Sec. 3. May make rules and regulations.**—The director is hereby granted authority to prescribe reasonable rules and regulations covering the methods and equipment used for the removal of such fish and each contractor shall be required to post a corporate surety bond conditioned upon his faithful observance of the terms and conditions of his contract, the rules and regulations of the director and of all the laws relating to wild animals.

**Sec. 4. May appoint agent to dispose of rough fish.**—The director may appoint either the contractor or regular employees of his division as his agents for the sale of fish and he or his agents are hereby authorized to sell all fish and turtles taken and removed hereunder at the highest price obtainable. He may employ agents to represent him in other states and may enter into contracts for the sale of an entire season's production of either live or dead fish taken from any body of water after receiving sealed bids therefor. Fish and turtles which are not marketable for food purposes may be sold or otherwise disposed of or destroyed, but in no case shall any fish or turtles taken under the provisions of this act be returned unconfined to the waters from which they were taken. Such fish and turtles may be canned, frozen or otherwise prepared and preserved for marketing or disposal, either as food or for other purposes.

**Sec. 5. May establish pounds.**—The director, or any contractor employed by him having written authority to do so, may establish pounds in any waters which are known to be infested or inhabited by carp, or may construct artificial pounds and may impound fish taken under this act therein by securely fencing these pounds or otherwise making such fish secure therein, or he may use as a pound any natural inland body of water not exceeding 100 acres in area which in the discretion of the director may be safely used for the storage of such fish without endangering other public waters. Provided that no fish may be impounded for a period longer than one year from the time they were taken.

**Sec. 6. Moneys to be placed in revolving fund.**—All moneys received from the sale of fish and turtles taken under the provisions of this act shall be deposited in a rough fish removal revolving fund to consist of all moneys now in the state fish revolving fund and the fish lakes improvement revolving fund. If additional moneys are needed to carry on the function of removing rough fish, they may be transferred by the director from the state fish propagation fund or the game and fish fund in his discretion. The

proceeds derived from rough fish removal operations under the authority of this act shall be credited to the said rough fish removal revolving fund, and all of said sums are hereby annually reappropriated to the director of game and fish for carrying out the purposes of this act.

**Sec. 7. Violations—penalties.**—Any contractor who violates any of the provisions of this act or the regulations of the director pertaining to the taking of fish thereunder, or the provisions of his contract and regulations of the director relating to the disposition of proceeds received from the sale of fish, or who through negligence shall cause the destruction of any game fish while conducting operations hereunder, or who shall dispose of any fish taken under any contract either by sale or otherwise without first notifying the supervising warden, shall have such contract cancelled forthwith and shall forfeit his right to secure another contract under the provisions of this section for a period of two years.

**Sec. 8. Laws repealed—repeal not to affect existing contracts.**—Mason's Statutes 1927, Sections 5604, 5605, 5606, 5607, 5608, 5609, and Mason's Supplement 1940, Section 5609-1, Mason's Statutes 1927, Sections 5609-2, 5609-3, 5609-4, 5609-5, 5609-6 and 5609-7 and Mason's Supplement 1940, Sections 5574-5 and 5574-6, are hereby repealed, *but nothing herein shall be construed as repudiating or invalidating any existing contracts issued under the laws hereby repealed.*

Approved March 30, 1943.

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CHAPTER 230—H. F. No. 567. .

(AMENDING SECTIONS 197.45 AND 197.46 MINNESOTA  
STATUTES 1941.)

*An act relating to veterans' preference in public employment, and amending Mason's Supplement 1940, Sections 4368 and 4369, and providing a penalty for violations of the act.*

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

**Section 1. Law amended.**—Mason's Supplement 1940, Section 4368, is amended to read as follows:

**4368. Subdivision 1. Who are veterans.**—*The word "veteran" as used in this section and Section 4369 means any man*