

clusive, through the issuance of orders therefor by the director of the division of game and fish, who with the approval of the commissioner of conservation shall promulgate and publish rules and regulations in keeping with the minutes and resolutions of the conservation commission prescribing the manner of taking and transporting such big game and all further provisions which are deemed necessary and pertinent thereto. The license fee for the hunting of such game in the northwest angle state forest shall be \$5.25 for residents and \$50.25 for non-residents. Each such licensee may take one antlered moose during such season as may be provided."

Approved April 14, 1939.

CHAPTER 257—S. F. No. 1177

An act to amend the Laws of 1939, Chapter 33, Sections 2 and 7, relating to the suspension of the cancellation of real estate contracts or contracts for deed; conferring jurisdiction upon the district court to determine and prescribe the procedure for the cancellation of contracts for deed; extending the period of redemption under contracts for deed now or hereafter cancelled; suspending Section 9576 of Mason's Minnesota Statutes of 1927, relating to the termination of contracts for the conveyance of real estate or any interests therein.

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

Section 1. Cancellation for contracts of deed.—That the Laws of 1939, Chapter 33, Section 2 is hereby amended to read as follows :

"No notice to terminate any contract for the conveyance of real estate or any interest therein for a breach of condition contained in such contract shall be effectual to divest title and/or possession to the vendee or those claiming under him, or to reinvest title and/or possession in the vendor or those claiming under him, during the emergency herein declared except as hereinafter provided.

When default is made in the conditions of any contract for the conveyance of real estate, or any interest therein, whereby the vendor has a right to terminate the same, he may do so by serving upon the purchaser his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating

that at a time specified, not less than forty days after the service of said notice, he will apply to said court for an order adjudging said contract terminated, unless prior thereto the purchaser, his personal representatives or assigns, shall comply with and perform the conditions then in default and pay the costs of service. Such notice must be given notwithstanding any provisions in the contract to the contrary and shall be served within the state in the same manner as a summons in the district court, and if served without the state, *or upon unknown heirs*, in the manner provided in Mason's Minnesota Statutes of 1927, Section 9234; *provided that where such notice by publication is served upon unknown heirs there shall be filed with the clerk of court, an affidavit stating that the heirs of the vendee are proper parties and that their names and residences cannot with reasonable diligence be ascertained.*

Provided, however, that if service is made by publication under Section 9234, three weeks published notice shall be given and if the premises described in the contract are actually occupied, then in addition thereto, and within 10 days after service on the vendee, a copy of such notice shall be served upon the person in possession of said premises; and provided, further, that in case of such service by publication as herein provided, the said notice shall specify the conditions in which default has been made and stating that at a specified time, not less than ninety days after the first publication of said notice, he will apply to said court for an order adjudging said contract terminated, unless prior thereto the purchaser, his personal representatives or assigns shall comply with and perform the conditions then in default and pay the costs of service.

If within the time mentioned in said notice within which the vendee, his personal representatives or assigns must perform the conditions in default, the vendee complies with such conditions and pays the costs of service, the contract shall remain in full force and effect; but if the vendee fails or neglects to perform the conditions in default within the time mentioned in said notice for such performance and to pay the costs of service, and fails to serve written objections to the termination of such contract upon the vendor, within fifteen days after service of notice on the vendee, the court shall, upon motion of the vendor, and proof of service of said notice, and in the absence of any appearance upon behalf of the vendee, make its order adjudging such contract terminated and said contract shall, thereupon forthwith, be and become finally terminated.

The vendee may, within fifteen days after service of said notice, serve upon the vendor, or his attorney, written objec-

tions to the making of any order adjudging the contract terminated and any legal or equitable defenses claimed by him; and if it shall be made to appear to the court upon the application and hearing for an order adjudging the termination of said contract, that the vendee has, in addition to the payment of taxes, insurance and interest, if any, made and paid for valuable improvements upon the premises, or paid upon the contract price of the premises whether to the vendor or to the owner of any incumbrance subject to which the contract was made, or which the contract provides that the vendee, his successors or assigns shall pay, or to both, a sum or sums equal to a substantial part of the original contract price and that the vendor's interest is reasonably secure, the court may, on taking into consideration the reasonable value of the income of such property, or, if the property have no income, then the reasonable rental value thereof, the efforts and ability of the vendee to pay, and all the facts and circumstances of the case, by order and upon such terms and conditions as to it appear just and equitable, extend the time in which the vendee may perform the conditions of the contract in default, not to exceed one year from the date of the service of notice of termination on the vendee and in no event beyond March 1st, 1941.

In case the vendee, in addition to taxes, insurance and interest, has paid upon the total contract price and/or for improvements upon the real estate an amount equal to or exceeding 30 per cent of the value of the real estate, or has made substantial improvements thereon, in cost or value at the time of hearing equal to or exceeding 30 per cent of the value of the real estate, a showing of such facts shall be prima facie evidence that substantial improvements have been made or substantial payments made.

If the vendee shall fail to perform the conditions in default, or any of them, as required and directed by the court to be performed, said contract shall forthwith be and become terminated and the vendor may thereupon apply to the court for an order adjudging said contract terminated, on giving at least ten days' written notice of such application to the vendee, served in the manner herein provided for service of the notice of application for an order terminating the contract. If it shall be made to appear to the court, upon a hearing on said application, that the vendee has defaulted in performing such conditions, the court shall make an order declaring said contract terminated and said contract shall thereupon forthwith be and become finally terminated."

Sec. 2. **Definitions.**—That the Laws of 1939, Chapter 33, Section 7 is hereby amended to read as follows:

“The terms “vendor” and “vendee” shall be construed to include the plural and the survivor or survivors, the heirs, *known or unknown*, executors, administrators, assigns, or successors thereof.”

Approved April 14, 1939.

CHAPTER 258—S. F. No. 1222

An act to amend Laws of 1931, Chapter 309, authorizing counties to pay a bounty for the destruction of grey or red foxes, providing for the method of payment and providing penalties for a violation thereof.

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

Section 1. **Bounty for foxes.**—That Laws of 1931, Chapter 309, is hereby amended to read as follows:

“Section 1. Any county board may by resolution offer a bounty for the destruction of grey or red foxes. The resolution may be made to cover the whole or any part of the county, and may be annually renewed, but it shall have force and effect only during the calendar year in which it is adopted or renewed.

Sec. 2. **Claimant to produce carcass.**—Within 30 days after the killing, the claimant shall produce the entire carcass of the animal in the presence of two witnesses to the clerk of the town wherein the animal was killed, or, if the animal was killed in unorganized territory, to the nearest town clerk in the same county, and shall make and deliver to the town clerk a written statement of his claim under oath, in duplicate, describing the animal as adult or cub, as the case may be, specifying the time and place of the killing thereof by the claimant, and stating that he did not on that occasion spare the life of any grey or red fox he could have killed. All animals produced at any one time shall be included in one statement.

The clerk shall examine each carcass produced in the presence of the witnesses, and shall make such further investigation as may be necessary to verify the statements of the claimant. For the purposes of such investigation the clerk may examine under oath with respect to any pertinent matter the claimant