

may be filed within ten days of the appointment and shall be heard and determined by the supreme court. The referee shall report the evidence and if directed by the Supreme Court shall make findings thereon. Persons designated by the Supreme Court under the authority of this section shall be paid their necessary expenses and such compensation as shall be fixed by the Supreme Court. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law and the Supreme Court shall fix a reasonable compensation for the reporter. All expenses, fees and compensation herein authorized shall be paid by the state out of any money in the general revenue fund not otherwise appropriated, upon itemized vouchers approved by one of the justices of the Supreme Court.

Sec. 2. Inconsistent acts repealed.—Sections 4958, 4959, 4960, and 4961, General Statutes, 1913, and all acts or parts of acts inconsistent with this act, are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

CHAPTER 335—H. F. No. 958.

An act to provide for the enforcement of the prohibition of the transportation of intoxicating liquor within this state in violation of the constitution or law of this state or of the United States, and for the seizure of any property used or apparently used for or in such unlawful transportation and all liquor found therein or being unlawfully transported and the destruction of such liquor and the sale of such property; and to prescribe procedure therefor and for the determination of the rights of persons in relation to such property; and to define terms used herein and prescribe penalties and forfeitures, and provide for removal of officers.

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

Section 1. Definitions.—Wherever used in this Act the terms "intoxicating liquor" and "liquor" shall be given the same meaning as is prescribed therefor by Section 1 of Chapter 455, Laws of Minnesota for 1919, and acts amendatory thereof.

Sec. 2. Duties of officers—Seizure of liquor, etc.—Hearing.—Whenever any sheriff, deputy sheriff, constable, marshal, policeman or other peace officer shall discover any person in the act of transporting liquor within this State, in violation of the constitution or law of this State or of the United States, such officer shall seize any wagon, buggy, automobile, or any car or boat, vessel or water or air craft, or vehicle or conveyance or means of conveyance of any kind, wherein or whereby any such liquor is being so unlawfully transported, and if such officer shall find any intoxicating liq-

uor being so transported in violation of the constitution or law of this State or of the United States, it shall be his duty to seize and hold the same and all thereof, subject to the Order of the Court wherein the cause is triable, and to seize and hold, subject to the Order of said Court, any such wagon, buggy, automobile, car, boat, vessel, water or air craft, vehicle or conveyance or means of conveyance of any kind, together with any animal or animals used for or in or in connection with any such unlawful transportation, and to immediately arrest and as soon as possible make proper complaint in any court having jurisdiction against any person or persons in charge of the liquor or property seized or any thereof, duly charging such unlawful transportation; and such officer shall also make and file with said Court a separate complaint against such property other than liquor, describing the same and charging the use thereof in the unlawful transportation of intoxicating liquor, specifying substantially the time and place of such unlawful use. Such officer shall also make an inventory of such property and forthwith file the same with said Court and serve a copy thereof on the defendant or person in charge of such property at the time of the seizure, if any. If the person so arrested shall be acquitted, the Court shall dismiss complaint against such property and order the same returned to the person or persons legally entitled thereto. Upon conviction of any person so arrested the Court shall order all liquor so seized and the containers thereof destroyed and shall forthwith issue an order directed to any person known or believed to have any right or title or interest in or lien upon any such property other than liquor, and to persons unknown claiming any such right, title, interest or lien, describing such property and stating that the same was seized and that a complaint against the same, charging the use thereof in the unlawful transportation of intoxicating liquor has been filed with the Court, and requiring such persons to file with the Clerk of said Court their answer to said complaint setting forth any claim they may have to any right or title to or interest in or lien upon any such property, within ten (10) days after the service of such order as herein provided, and notifying them in substance that if they fail to so file their answer within said time such property will be ordered sold as upon execution and proceeds of such sale paid into the treasury of the county; and said Court shall cause said order to be served upon any such person known or believed to have any such right, title, interest or lien as in case of a summons in a civil action, and upon unknown persons by publication as provided by Sections 7737 and 7738 of the General Statutes of Minnesota for 1913 for a summons in a civil action. If no answer is filed as and within the time herein prescribed, the Court shall, upon affidavit by the Clerk of said Court being filed in his office, setting forth such fact, order such property sold as upon execution and proceeds of such sale, after deducting the expense of keeping the property and

fees and costs of sale, paid into the county treasury of the county where such seizure occurred; provided that the Court may for cause extend the time to answer for not to exceed ten (10) days. If answer is filed as and within the time herein provided, the Court shall fix a time for hearing, which shall be not less than ten (10) nor more than thirty (30) days after such time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court without a jury as other civil actions. It shall be the duty of the County Attorney of the county wherein the cause is triable, to appear at such hearing in support of the complaint against said property and prosecute said action in behalf of the State. If the Court shall find that said property or any part thereof was used for or in or in connection with the transportation of intoxicating liquor in violation of the constitution or law of this State or of the United States, he shall order the property so unlawfully used sold as upon execution unless the owner shall show to the satisfaction of the Court that he had no notice or knowledge or reason to believe that such property was used or intended to be used in the unlawful transportation of intoxicating liquor. The officer making any such sale, after deducting the expense of keeping the property, the fee for seizure and the costs of the sale, shall pay all liens according to their priority which are established at said hearing as being bona fide and as having been created without the lienor having any notice or knowledge that any such property was being used or was to be used for or in or in connection with the unlawful transportation of liquor, and shall pay the balance of the proceeds into the county treasury of the county where such sale is made. All liens against property sold under the provisions of this Section shall be transferred from the property to the proceeds of the sale of the property. Provided that before any seizure is made hereunder the officer making the same shall disclose his authority as such officer.

Sec. 3. Appeal.—An appeal to the Supreme Court may be taken in any civil case arising under this act as in other civil actions.

Sec. 4. Bonds.—At any time after seizure thereof and before the hearing herein provided for, such property shall be returned to the owner or person having the legal right to possession thereof upon execution by him of a good and valid bond to the State of Minnesota with sufficient sureties in a sum not less than one hundred (\$100) dollars and not less than double the value of the property seized, to be approved by the Court in which the case is triable or a judge thereof, conditioned to produce said property in Court on the day of the trial and abide any order and the judgment of the Court in the premises.

Sec. 5. Neglect of officer—Penalty.—Any officer who shall wilfully, refuse or neglect to perform any duty imposed by this Act shall be subject to penalties and forfeitures and removal from office

as prescribed and provided by Chapter 455 General Laws of Minnesota for 1919 and acts amendatory thereof.

Sec. 6. Act supplemental.—This act is supplemental to Chapter 455 General Laws of Minnesota for 1919 and shall not be construed so as to in any way modify, repeal or affect any part or provision thereof.

Approved April 18, 1921.

CHAPTER 336—H. F. No. 971.

An act entitled an act to amend section 824 general statutes of 1913 as amended by chapter 133 laws of 1915 as amended by chapter 474 laws of 1917 as amended by section 1, chapter 304, laws of 1919;

Sections 874 and 875 general statutes of 1913 as amended by chapter 135 laws of 1915 as amended by chapter 472 laws of 1917 as amended by section 2, chapter 304, laws of 1919;

Sections 1 and 2, chapter 366, laws of 1911 as amended by chapter 119, laws of 1915 as amended by chapter 376, laws of 1917 as amended by section 3, chapter 304, Laws of 1919;

Section 1, chapter 361, laws of 1909 and sections 2, 3 and 4 said chapter 361 as amended by chapter 203 laws of 1913 as amended by chapter 137 laws of 1915 as amended by chapters 481 and 510, laws 1917 as amended by section 4, chapter 304, laws of 1919;

Section 1, chapter 88, laws of 1911 as amended by section 5, chapter 304, laws of 1919, and section 2, chapter 88, laws of 1911 as amended by chapter 129, laws of 1915 as amended by section 5, chapter 304, laws of 1919;

Section 1, chapter 142, laws of 1915 as amended by section 1, chapter 434, laws of 1917 as amended by section 6, chapter 304, laws of 1919;

Section 1, chapter 193, laws of 1913, and section 2 said chapter 193 as amended by section 1, chapter 412, laws of 1917 as amended by section 7, chapter 304, laws of 1919;

Section 1007 general statutes of 1913, and section 1008 general statutes of 1913 as amended by section 10, chapter 304 laws of 1919;

Section 1, chapter 80, laws of 1911 as amended by chapter 190, laws of 1913 as amended by section 1, chapter 83, laws of 1915 as amended by section 8, chapter 304, laws of 1919;

Section 3, chapter 122, laws of 1911 as amended by section 3, chapter 191, laws of 1913 as amended by section 9, chapter 304, laws of 1919;

Section 6, chapter 223, laws of 1917 as amended by chapter 333 laws of 1919;

Sections 1 and 2, chapter 224, laws of 1913 as amended by chapter 144 laws of 1915 as amended by chapter 473, laws of 1917, reg-