

Section 6. Provisions severable.—The provisions of this act shall be severable with respect to the effect of a declaration of invalidity of any provision or application thereof.

Approved April 28, 1941.

CHAPTER 498—H. F. No. 227

An act relating to wild animals, imposing additional penalties and providing for confiscation of certain property.

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

Section 1. Spotlights, headlights, etc., prohibited.—No person, whether singly or as one of a group of persons, shall have in possession or under control unless unloaded and properly encased, or broken down any firearm or other implement whereby big game could be killed and at the same time throw or cast the rays of a spotlight, headlight or other artificial light on any highway or in any field, woodland or forest for the purpose of spotting, locating, hunting, catching, taking, killing or wounding any big game animal.

Sec. 2. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a gross misdemeanor and all motor vehicles, trailers, headlights, spotlights, guns and firearms or other contrivances and all paraphernalia used and possessed in violation hereof, are hereby declared to be a public nuisance and subject to seizure and confiscation in accordance with law and the provisions of this act.

Sec. 3. Vehicles may be seized.—All motor vehicles or trailers declared to be a public nuisance under the provisions of this act, shall be seized and held subject to the order of the district court of the county in which the offense was committed and may be confiscated after conviction, if the court shall so direct. Provided, however, that the director of game and fish, his deputy or agents, prior to any order directing confiscation, shall have made and filed with the court a separate complaint against such property, describing the same and charging the use thereof in violation of the provisions of this act, specifying substantially the time and place of such unlawful use. A copy of such complaint shall be served upon the defendant or person in charge of such property at the time of seizure, if any. If the person so arrested shall be

acquitted, the court shall dismiss the 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 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 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 violation of the provisions of this act 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 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 by the director of game and fish or his agents and the proceeds of such sale paid in to the state treasury and credited to the game and fish fund. The 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 the case of a summons in a civil action and upon unknown persons by publication as provided for service of summons in a civil action. If no answer is filed as and within the time 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 by the director of game and fish or his agents and the proceeds of such sale, after deducting the expense of keeping the property and fees and costs of sale, paid in to the state treasury and credited to the game and fish fund. 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 nor more than 30 days after the 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. If the court shall find that said property or any part thereof was used in violation of the provisions of this act, he shall order the property so unlawfully used, sold as herein provided 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 violation of this act. 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 existing without the lienor having any notice or knowledge that any such

property was being used or was to be used for or in connection with any violation of this act and shall pay the balance of the proceeds in to the state treasury, there to be credited to the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens thereon. An appeal from such order of the district court will lie to the supreme court as in other civil actions. Provided further, that at any time after seizure of said motor vehicles or trailers and before the hearing herein provided for, such property shall be returned to the owner or person having a legal right to possession thereof, upon execution by him of a good and valid bond to the state of Minnesota with corporate surety in the sum of not less than \$100 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 abide any order and the judgment of the court and to pay the full value of said property at the time of seizure.

Approved April 28, 1941.

CHAPTER 499—H. F. No. 250

An act to promote public health and welfare by establishing a state-wide system for after-care of tuberculous patients discharged from county and state sanatoria.

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

Section 1. After care of tuberculous patients.—The medical and other supplemental care of tuberculous persons discharged from county or state sanatoria who are in need and whose physical or other conditions or disabilities associated with their disease make inadvisable their return immediately to their former activities of regular employment, is hereby declared to be a special matter of the state's concern and a necessity in promoting the public welfare. To provide medical and other supplemental care to such persons in order to prevent their further breakdown after sanatorium care, a state-wide program of after-care for tuberculous patients discharged from county and state sanatoria is hereby established.

Sec. 2. Definition.—When used in this act the term: