

leased to or acquired by the state, shall be used for the care and treatment of mentally deficient persons or of persons afflicted with alcoholism, as may be determined by the director of public institutions with approval of the governor. Said institution shall be known by such name, prefixed by the word "Pipestone" as the director of public institutions, with approval of the governor, may determine.

Approved April 24, 1953.

CHAPTER 728—H. F. No. 797

An act relating to the powers and duties of the county board of education for unorganized territory in any county; amending Minnesota Statutes 1949, Section 123.39.

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

Section 1. Minnesota Statutes 1949, Section 123.39, is amended to read:

123.39 Powers, duties. When not otherwise provided in sections 123.33 to 123.57, the powers and duties of the county board of education for unorganized territory shall be the same as those of school boards and *special and* annual elections of *common*, independent and consolidated school districts.

Approved April 24, 1953.

Chapter 729—H. F. No. 852

An act relating to the enforcement of the statutory excise tax provisions pertaining to intoxicating liquors; amending Minnesota Statutes 1949, Section 340.54.

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

Section 1. Minnesota Statutes 1949, Section 340.54, is amended to read:

340.54 Unstamped liquor. *Subdivision 1. Seizure, confiscation.* The liquor control commissioner and his designated inspectors and employees are hereby authorized and empowered to seize and confiscate in the name of the State of Minnesota any intoxicating liquor and fermented malt liquor in the possession of any person without proper stamp or labels *with intent to sell the same or to evade payment to the State of*

Minnesota of excise tax thereon, as herein provided, or without authority to have such intoxicating liquor and fermented malt liquor, without such stamps or labels, and shall seize and confiscate any material, apparatus, vehicle or conveyance used in the illegal manufacture, sale, possession or storage of any intoxicating liquor or any vehicle or conveyance used in the transportation of such intoxicating liquor subject to seizure hereunder, material, or apparatus in possession, under control, sold, or transported in any manner in violation of sections 340.07 to 340.96, and to immediately arrest and as soon as possible make proper complaint in court against any person or persons in charge of the vehicle or conveyance seized.

Subd. 2. Seizure of conveyances; complaints; procedure in district court. The liquor control commissioner and his designated inspectors and employees shall seize all vehicles and conveyances used in the manufacture, sale, possession, storage or transportation of liquor in violation of sections 340.07 to 340.96, and hold them subject to the order of the district court of the county in which they are seized. The confiscation of any vehicle or conveyance seized hereunder shall be complete upon compliance with the following procedure:

The liquor control commissioner and his designated inspectors and employees shall file with the court a separate complaint against the vehicle or conveyance, describing the same and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the vehicle or conveyance at the time of seizure, if any. 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 vehicle or conveyance, and to persons unknown claiming any such right, title, interest or lien, describing the vehicle or conveyance and stating that the same was seized and that a complaint against the same, charging the specified violation, has been filed with the court, and requiring such persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon any such vehicle or conveyance, 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 that time, the vehicle or conveyance will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon the registered owner and upon any person who has duly filed a conditional sales contract, mortgage or other lien instrument covering the property unless the same has been released or satisfied, and upon any other person known or believed to have any

right, title, interest in, or lien upon, any such vehicle or conveyance 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 court, setting forth such fact, order the vehicle or conveyance sold by the commissioner or his agents, and the proceeds of the sale, after deducting the expense of keeping the vehicle or conveyance and fees and costs of sale, paid into the state treasury. 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 or 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 in other civil actions. If the court shall find that the vehicle or conveyance, or any part thereof, was used in any such violation as specified in the complaint, he shall order the vehicle or conveyance so unlawfully used, sold as herein provided, unless the owner shall show to the satisfaction of the court that the vehicle was being used without his consent or that at the time of giving such consent he had no notice or knowledge or reason to believe that the vehicle or conveyance was intended to be used in any such violation. The officer making any such sale after deducting the expense of keeping the vehicle or conveyance, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge at the time the lien was created that such vehicle or conveyance was being used or was intended to be used for or in connection with any such violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury. Any sale under the provisions of this section shall operate to free the vehicle or conveyance sold from any and all liens thereon, and appeal from such order of the district court will lie to the supreme court as in other civil actions. At any time after seizure thereof, and before the hearing herein provided for, the vehicle or conveyance 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 more than double the value of the vehicle or conveyance 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 the vehicle or conveyance at the time of seizure.

Approved April 24, 1953.