

raising, poultry raising, bee-keeping, and horticulture,' increasing the powers of such associations in certain instances, and providing a penalty," is hereby further amended to read as follows:

Board of
Directors.

Proviso.

Election.

Term.

Vacancies.

Section 14. The board of directors of each association shall consist of not less than five members. At the first regular meeting of the association, a quorum as specified by the by-laws being present, the members shall elect from among themselves directors for the term of one year. At the expiration of the terms of directors so elected, their successors shall be elected in like manner for terms of one year: Provided, That certain directors may [at the first regular meeting of a newly organized association, or in the case of associations already existing, then at the first meeting held for election purposes after this amendment becomes effective,] be elected for terms longer than one year, so that thereafter one-third, as nearly as possible, of such directors may be elected every year for terms of three years. Directors shall hold office until their successors have been elected and qualified and until their successors shall enter upon the discharge of their duties. Vacancies shall be filled for the unexpired terms at any regular meeting or at any special meeting called for the purpose by the board of directors. The board of directors shall manage the affairs of the association, and shall perform such other duties as may be specifically imposed upon the board by this act.

APPROVED—The 20th day of May, A. D. 1931.

GIFFORD PINCHOT

No. 103

AN ACT

To amend section eleven of the act, approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, thirty-four), entitled "An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws," providing for the payment to the holder of a chattel mortgage or conditional sale contract of the money due under such mortgage or contract from the proceeds of the sale of any vehicle or conveyance seized under said act, and giving to such mortgagee or conditional seller the same rights as are given by said act to the holder of a bailment lease.

Enforcement
Act.

Section 1. Be it enacted, &c., That section eleven of the act, approved the twenty-seventh day of March, one

thousand nine hundred and twenty-three (Pamphlet Laws, thirty-four), entitled "An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws," is hereby amended to read as follows:

Alcoholic
liquors.

Section 11,
act of March
27, 1923
(P. L. 84),
amended.

Section 11. (A) No property rights shall exist in any intoxicating liquor or property designed for the manufacture or sale of intoxicating liquor intended for use in violating any of the provisions of this act, or which has been so used, but, upon possession or use of any such intoxicating liquor or property in violation of this act, the same shall be deemed contraband and shall be forfeited to the Commonwealth.

Seized
property to
be deemed
contraband.

Upon the transportation of intoxicating liquor in violation of this act, the wagon, buggy, team, motor vehicle, water or air craft, or other vehicle or receptacle in which it is so transported, shall be forfeited to the Commonwealth subject to the provisions herein set forth.

Property
forfeited.

No such intoxicating liquor or property, or vehicle, team, conveyance, craft, receptacle, or other property, when in the custody of the law or of any officer, shall be seized or taken therefrom on any writ of replevin or other like process.

(B) If upon hearing before the court of quarter sessions, or a judge thereof, it appears that any such intoxicating liquor or property, so in the custody of the law or of any officer, was so possessed or intended for use in violating any of the provisions of this act, or has been so used, such intoxicating liquor and property shall be adjudged forfeited and condemned, and shall be disposed of as hereinafter provided; or if upon such hearing, it appears that any vehicle, team, conveyance, craft, receptacle, or other property, seized under the provisions of this act, had been used for the unlawful transportation of intoxicating liquor, such vehicle, team, conveyance, craft, receptacle, and other property shall be adjudged forfeited and condemned, and shall be disposed of as hereinafter provided unless the court shall otherwise order.

Intoxicating
liquors.

Vehicles.

(I) Upon conviction of any person of a violation of this act, the court shall order and direct the sheriff of the county to destroy all such condemned intoxicating liquor and property seized or obtained from such defendant or defendants, except that the court may order the same, or any part thereof, to be delivered to a hospital for its use, and make return to the court of compliance with said order. Except that any vehicle, team,

conveyance, or craft seized under the provisions of this act shall be disposed of as hereinafter provided.

Destruction
or disposal.

(II) In any case in which (a) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof; or (b) no claimant appears for same; or (c) appearing is unable to sustain his claim therefor,—the court shall order all such condemned intoxicating liquor and property (except vehicles, teams, conveyances, and crafts) publicly destroyed by the sheriff of the county; provided, the court may order the same, or any part thereof, to be delivered to a hospital for its use. Return of compliance with said order shall be made by the sheriff to the court.

Sale of
seized
property.

(III) In the case of any vehicle, team, conveyance, or craft seized under the provisions of this act and condemned as aforesaid, the court shall order a public sale thereof by the sheriff of the county; notice of which sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias; the proceeds of such sale to be paid to the county treasurer for the use of the county. In the event that any such vehicle, team, conveyance, or craft is, when so seized, held and possessed under a bailment lease or contract and the legal title thereto is in another person, [who] *or in the event that any such vehicle, team, conveyance, or craft is, when so seized, subject to the lien of a chattel mortgage or to a contract of conditional sale, and if the person holding the legal title, thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent, then the claim of the bailor for money due under said bailment lease or contract, or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale, shall attach to and be paid out of the funds derived from said sale after payment of costs, and the balance distributed as above provided.* In case it appears at said hearing that the owner of any such vehicle, team, conveyance, or craft has not been found within the jurisdiction of the court, the sheriff shall give ten (10) days' notice of said sale by registered letter to the person, if any, whose name appears thereon as the manufacturer thereof, together with the manufacturer's number, if any, appearing thereon.

Property
subject to
chattel
mortgage
or contract
of conditional
sale.

Forfeiture
of licenses.

(C) In addition to the provisions aforesaid, the court shall, in its order of condemnation, and in every conviction under this act where it shall appear that intoxicating liquor was unlawfully transported in a motor vehicle, declare that the license, issued by the [State Highway] Department of Revenue for any motor vehicle so forfeited and condemned, or issued to any defendant convicted of transporting intoxicating liquor in any motor

vehicle, shall be forfeited and revoked; and it shall be the duty of the clerk of the court in which such conviction is had, or order of condemnation made, to certify such conviction to the [State Highway Commissioner] *Secretary of Revenue*, who shall suspend or revoke the license issued for such motor vehicle, or to such person, and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation: Provided, That a license may be issued for such motor vehicle after the public sale thereof as above provided.

(D) (I) The proceedings for the forfeiture or condemnation of all property, the destruction or sale of which is provided for in subsections (II) and (III) of Clause (B) of this section, shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of quarter sessions of the peace, verified by oath or affirmation of any officer or citizen, containing the following: (a) a description of the property so seized; (b) a statement of the time and place where seized; (c) the owner, if known; (d) the person or persons in possession, if known; (e) an allegation that same had been possessed or used, or was intended for use, in violation of this act; (f) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned, and be ordered sold or destroyed (as the case may be) according to law, unless cause be shown to the contrary. Proceedings.

(II) A copy of said petition shall be served personally on said owner, if he can be found within the jurisdiction of the court, or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows:

“To the Claimant of within Described Property:

“You are required to file an answer to this petition, setting forth your title in, and right to possession of, said property within fifteen (15) days from the service hereof; and you are also notified that, if you fail to file said answer, a decree of forfeiture and condemnation will be entered against said property.”

Said notice shall be signed by petitioner, or his attorney, or the district attorney.

(III) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized, or such person so in possession can not be found within the jurisdiction of the court, notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation, published in the county where such property shall have been seized, once a week for three (3) successive weeks. Said notice shall contain a statement of the seizure of said property, with a de-

scription thereof, the place and date of seizure, and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice, which date shall not be less than twenty-one (21) days from the date of the first publication.

(IV) Upon the filing of any claim for said property, setting forth a right of possession thereof, the case shall be deemed at issue and a time be fixed for the hearing thereof.

(V) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used, the burden shall be upon the claimant to show: (a) that he is the owner of said property *or the holder of a chattel mortgage or contract of conditional sale thereon*; (b) that he lawfully acquired the same; (c) that it was [lawfully] *not unlawfully* used [and] *or* possessed by him; and (d) in the event that it shall appear that the property was unlawfully used by a person other than the claimant, then such claimant shall show that such unlawful use was without his knowledge or consent.

(VI) Any person claiming the ownership of, or right of possession to, *or claiming to be the holder of a chattel mortgage or contract of conditional sale upon*, any intoxicating liquor, vehicle, team, conveyance, craft, or other property, the disposition of which is provided for in this section, may, at any time prior to the sale thereof, present his petition to the court, alleging his lawful ownership thereof, or right of possession thereto, *or his lien thereon, or reservation of title thereto*; and if upon public hearing thereon, due notice of which having been given to the district attorney, such claimant shall prove by competent evidence to the satisfaction of the court that said intoxicating liquor, vehicle, team, conveyance, craft, or property was lawfully acquired, possessed, and used by him, or if, it appearing that the property was unlawfully used by a person other than the claimant, he shall prove that such unlawful use was without his knowledge or consent, then the court may order the same returned *or delivered* to said claimant, otherwise it shall be destroyed or sold (as the case may be) as hereinabove provided.

(VII) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing, the right to such jury trial shall be deemed to have been waived.

(E) The provisions of this section shall apply to the disposition of any intoxicating liquor or property in the custody of the law or of any officer at the time of the passage of this act.

Application
of section.

APPROVED—The 21st day of May, A. D. 1931.

GIFFORD PINCHOT