

be elected at the biennial elections of such city in the following manner:

Such members of the board of education shall be elected by the qualified voters of the district (city) as other city officers are elected at the said biennial election, and shall serve for the period of four years. The terms of those last elected shall be extended until two years after the next charter election. The terms of those elected at the election prior to the last election shall expire at the next charter election.

May be nominated same as other city officers.—Sec. 2. Said members of the board of education may be nominated at the time nominations for city officers are made and the names of such nominees shall be placed on the official ballot at such city elections and shall be voted for and the votes counted, canvassed, and returned in the same manner as votes for city officers are counted, canvassed and returned. *Provided* that nothing in this act shall be construed to affect the provisions of chapter 212, Laws of 1909.

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

Approved March 22, 1911.

CHAPTER 39—S. F. No. 301.

An Act providing for the licensing of transient merchants, defining the same and the manner of issuing licenses, regulating the advertising of such merchants, and providing for penalties for the violation thereof.

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

Transient merchant to obtain license.—Section 1. That hereafter it shall be unlawful for any transient merchant to engage in, do or transact any business as such, without first having obtained a license as hereinafter provided.

File application with county auditor.—Sec. 2. Any transient merchant desiring to engage in, do, or transact business in any county in this state, shall file an application for a license for that purpose with the auditor of the county in which he desires to do business, which application shall state his name, his proposed place of business, the kind of business proposed to be conducted, and the length of time for which he desires to do business. Such transient merchant shall pay to the treasurer of such county a license fee of one hundred and fifty (\$150) dollars, and the treasurer of such county shall issue to such person a receipt there-

for, and such transient merchant shall thereupon file the treasury receipt for such payment with the auditor of such county, who shall thereupon issue to such transient merchant a license to do business as such at the place described in his application and the kind of business to be done shall be described therein. No license shall be good for more than one person unless such person shall be the member of a co-partnership, nor for more than one place, and shall not be good outside of the county in which the same was issued, and shall be good for a period of one year from the date of its issuance. The auditor shall keep a record for such licenses in a book provided for that purpose, which shall at all times be open to public inspection.

Unlawful to engage in certain occupations.—Sec. 3. *Provided further*, that it shall be unlawful for any transient merchant to advertise, represent, or hold forth as being sold for an insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, syndicate, wholesale or manufacturer, or closing out sale, or as a sale of any goods, wares and merchandise, damaged by smoke, fire, water, or otherwise, or in any similar form; unless such transient merchant shall file with the county auditor of the county in which the application for license is filed and issued for such purpose, an affidavit at the same time that said application is filed, showing all the facts relating to the reasons and character of such sale so to be advertised or represented, and showing that such sale is in fact as is to be advertised and represented, including a statement of the names of the persons from whom the goods, wares and merchandise so to be advertised or represented were obtained, the date of the delivery to the person applying for the license, and the place from which said goods, wares and merchandise were last taken, and all details necessary to exactly locate and fully itemize all goods, wares and merchandise to be sold. If such affidavit shall fail to show that such sale is of the character as the same is intended to be advertised or represented as shown in such affidavit, and fails to disclose the facts as herein required, then such auditor shall refuse such applicant a license for such sale. Should license be issued to such applicant then such license shall state that such person is authorized and licensed to sell such goods, wares and merchandise, and advertise and represent and hold forth the same as being sold as such insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, syndicate, wholesale or manufacturer, or closing out sale, or as a sale of any goods, wares and merchandise, damaged by smoke, fire, water, or otherwise, or in any similar manner present other fact as shown in such affidavit. Such affidavit shall be sworn to before a person authorized to administer oaths by such person so applying for such

license, or if a partnership, by a member of such partnership, or if a corporation, by one of the officers of such corporation. Every person making a false statement of any fact in such affidavit shall be deemed guilty of perjury, and shall be punished for such offense as is provided by the criminal code of this state.

Construction of the word transient merchant.—Sec. 4. T¹³ word "transient merchant" as herein used, shall include all persons, individuals, co-partners and corporations, both as principal and agent, to engage in, do or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares and merchandise, and who for the purpose of carrying on such business, hire, lease or occupy a building or structure for the exhibition and sale of such goods, wares and merchandise.

Relating to goods sold at reduced prices.—Sec. 5. *Provided further*, that whenever it appears that any such stock of goods, wares and merchandise has been brought into any county in this state by a person not a resident therein, and that it is claimed that such stock is to be closed out at reduced prices, such facts shall be prima facie evidence that the person, co-partnership or corporation so offering such goods for sale, is a transient merchant as defined in this act.

Not to apply to commercial travelers, etc.—Sec. 6. The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise, by sample, for future delivery, or to hawkers on the street, or to peddlers from vehicles, baskets or packs carried on their backs, or to sheriffs, constables or other public officers selling goods, wares and merchandise according to law; nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors, nor to any person who may sell or peddle the products of the farm or garden occupied and cultivated by him.

Cities and villages to regulate.—Sec. 7. Nothing in this act contained shall be construed as prohibiting or in any way limiting or interfering with the right of any city, village or other municipal corporation or governmental subdivision of the the state, to regulate or license the carrying on within such municipality the business of a transient merchant as in this act defined, in any case where authority has been or shall hereafter be conferred upon it so to do, but the requirements of this act shall be in addition thereto.

Money to be paid into general revenue fund.—Sec. 8. All license fees collected under this act shall be paid into the general revenue fund of the county.

Gross misdemeanor for violation.—Sec. 9. Every person, either as principal or agent, who shall in any manner engage in, do, or transact any business as a transient merchant, without having first obtained a license as before provided, or who shall conduct any sale, or who shall sell or expose for sale any goods, wares and merchandise contrary to the provisions of this act, or who shall advertise, represent, or hold forth any sale of goods, wares and merchandise, to be conducted contrary to the provisions of this act, shall be guilty of a gross misdemeanor.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 22, 1911.

CHAPTER 40—S. F. No. 627.

An Act to amend Sections 1 and 2 of Chapter 185 of the General Laws of Minnesota for 1909, relating to the issue of bonds by cities of over 50,000 inhabitants for constructing certain bridges.

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

\$850,000 in bonds authorized.—Section 1. That section 1 of chapter 185 of the General Laws of Minnesota for 1909 authorizing the issue and sale of bonds by cities of over fifty thousand inhabitants, for constructing certain bridges, be and the same is hereby amended so as to read as follows:

Section. 1. That any city in this state now or hereafter having a population of over fifty thousand (50,000) inhabitants, may, by ordinance adopted by its city council, issue and sell bonds of such city of the par value of not to exceed eight hundred fifty thousand dollars (\$850,000.00) for the purpose of constructing within five years from this date bridges over and across any navigable stream running through such city; the exact location of said bridges to be fixed by the city council of said city, and the bonds provided in this act may be issued and sold notwithstanding any charter provision of such city, or any law of this state, limiting the amount of indebtedness of any such city, *provided*,—that such bridge shall never be used by any line or lines of street railway, except for just compensation, and such use when granted shall never be exclusive.

How issued.—Sec. 2. That section 2 of chapter 185 of the General Laws of Minnesota for 1909 be and the same is hereby amended so as to read as follows: