

the county board in making up its annual itemized statement covering expenditures for the road and bridge fund for the next ensuing year shall divide it into two parts: one part shall be designated as for road maintenance, and the other part shall be designated as for road construction. Each part shall be treated as a separate fund. The part designated as for road construction shall be kept by the county auditor in a fund to be known as road construction fund, shall not be transferred to the suspense fund nor to any other fund at any time and shall be used for no purpose other than the construction and reconstruction of such roads as are herein designated.

Sec. 2. Road construction fund. The road construction fund shall be used exclusively for the construction and reconstruction of *state aid roads* and expenditures therefrom shall be made only for work which is done by contract awarded to the lowest responsible bidder and in accordance with the provisions of Minnesota Statutes, 1949, Sections 160.39 and 164.22.

Approved April 8, 1953.

CHAPTER 271—S. F. No. 1122

An act relating to transient merchants, amending Minnesota Statutes 1949, Section 329.11.

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

Section 1. Minnesota Statutes 1949, Section 329.11, is amended to read:

329.11 License; application, issuance, fee. Any transient merchant desiring to engage in, do, or transact business by *auction or otherwise*, 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 \$150, *any personal property taxes payable by him pursuant to Minnesota Statutes 1949, Sections 288.01 to 288.03 and shall give bond to the county in an amount to be determined by the county treasurer, which shall be not less than \$1,000 nor more than \$3,000 which bond shall be approved by the treasurer and be conditioned that he will in all things conform to the laws relating to transient merchants and further conditioned on full compliance with all material oral or written statements and representations made by the seller, his agents,*

representatives, or auctioneers with reference to merchandise sold or offered for sale and on faithful performance under all warranties made with reference thereto. The treasurer of such county shall issue to such person receipts therefor, and such transient merchant shall thereupon file such receipts 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 a member of a copartnership, nor for more than one place, and shall not be good outside of the county in which it was issued. Such license shall be good for a period of one year from the date of its issuance. The auditor shall keep a record of such licenses in a book provided for that purpose, which shall at all times be open for public inspection.

The application shall further contain the applicant's residence and business address for the prior two year period; the type of business in which he has been engaged the previous two years; and the name and address of the auctioneer who will conduct the sale. No such sale shall be conducted in the name of any person other than the bona fide owner of the merchandise.

The applicant shall attach to the application an itemized list of merchandise to be offered for sale reciting as to each item a description thereof including serial number if any, the owner's actual cost thereof, and a designation by number corresponding with a number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold.

Prior to the issuance of the license and approval of bond, the applicant shall in writing appoint the county auditor his agent to accept service of process in any action commenced against the applicant arising out of the sale for which the license is sought. Such action shall be brought in the county where the sale was held.

Approved April 8, 1953.

CHAPTER 272—S. F. No. 1309

An act relating to the general terms of district court in the seventh judicial district; amending Minnesota Statutes 1949, Section 484.15 as amended.

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