

MINNESOTA STATUTES 1953 ANNOTATIONS

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AUCTIONEERS 330.01

329.10 LICENSE

HISTORY. 1909 c 248 s 4; 1911 c 39 s 1; GS 1913 s 6098; GS 1923 s 7337; MS 1927 s 7337.

329.11 LICENSE; APPLICATION, ISSUANCE, FEE; BOND; AGENT FOR SERVICE OF PROCESS

HISTORY. 1909 c 248 s 4; 1911 c 39 s 2; GS 1913 s 6099; GS 1923 s 7338; MS 1927 s 7338; 1953 c 271 s 1.

Section 329.11, as amended by Laws 1953, Chapter 271, is not applicable to a corporation or its salesmen selling siding for houses by sample. The salesmen cannot be classed as transient merchants. OAG June 9, 1953 (290-P).

329.13 EVIDENCE

HISTORY. 1909 c 248 s 1; 1911 c 39 s 5; GS 1913 s 6102; GS 1923 s 7341; MS 1927 s 7341.

329.14 CERTAIN SALES EXCEPTED

HISTORY. 1909 c 248 s 9; 1911 c 39 s 6; GS 1913 s 6103; GS 1923 s 7342; MS 1927 s 7342.

An agent, acting within the scope of his authority was not personally liable for the purchase price of tires ordered by him for a disclosed principal. *Firestone Tire Co. v Robinson*, 225 M 493, 31 NW(2d) 18.

Unless the farm or garden is occupied and cultivated by the seller, Laws 1953, Chapter 271, relating to transient merchants, is not applicable to persons selling products of farm or garden, regardless of location within or without the state. OAG May 21, 1953 (290-P).

The fact that a person is a nonresident of the state has no bearing on the question as to whether or not he is a transient merchant. To be a transient merchant the person must engage in, do or transact, temporary and transient business either in one locality or by traveling from place to place. He may sell goods and hire, lease, occupy and use a building, vacant lot or railroad car, in making the sales. Commercial travelers, manufacturers representatives, wholesalers or jobbers, generally are not transient merchants. OAG Aug. 25, 1953 (290-P).

329.17 VIOLATIONS; PENALTIES

HISTORY. 1909 c 248 s 8; 1911 c 39 s 9; 1911 c 121 s 8; GS 1913 s 6096, 6106; GS 1923 s 7335, 7345; MS 1927 s 7335, 7345.

CHAPTER 330

AUCTIONEERS

330.01 AUCTIONEERS' LICENSES, TO WHOM GRANTED

HISTORY. 1854 c 26 s 1, 2; PS 1858 c 132 s 1, 2; 1862 c 35 s 1; GS 1866 c 28 s 1; GS 1878 c 28 s 1; 1889 c 97 s 1; GS 1894 s 2295; 1895 c 41; 1901 c 158; RL 1905 s 2813; 1909 c 249; 1913 c 11 s 1; GS 1913 s 6083; 1917 c 87 s 1; GS 1923 s 7322; 1927 c 173; MS 1927 s 7322; 1937 c 313 s 1; 1941 c 170; 1943 c 311 s 1; 1949 c 516 s 1.

The administrator of an estate acting under an order of the court to sell real estate of the decedent at public sale need not employ a licensed auctioneer to conduct the sale. OAG Aug. 3, 1953 (16-B).

MINNESOTA STATUTES 1953 ANNOTATIONS

330.02 AUCTIONEERS

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Since Iowa does not have a reciprocal law, such as Laws 1949, Chapter 516, a resident of that state cannot at this time obtain a license to function as an auctioneer in Minnesota. OAG June 25, 1949 (16-C).

An auctioneer who is a resident of the state of South Dakota may be licensed as an auctioneer in the state of Minnesota upon compliance with the Minnesota law. A reciprocal provision permits a Minnesota auctioneer to obtain a license in South Dakota. OAG Sept. 2, 1949 (16-C).

330.02 BOND

HISTORY. 1854 c 26 s 3; PS 1858 c 132 s 3; 1862 c 35; GS 1866 c 28 s 2; GS 1878 c 28 s 2; GS 1894 s 2296; RL 1905 s 2814; GS 1913 s 6084; GS 1923 s 7323; MS 1927 s 7323.

An auctioneer who is a resident of the state of South Dakota may be licensed as an auctioneer in the state of Minnesota upon compliance with the Minnesota law. A reciprocal provision permits a Minnesota auctioneer to obtain a license in South Dakota. OAG Sept. 2, 1949 (16-C).

330.03 ACCOUNT OF SALES

HISTORY. 1854 c 26 s 5; PS 1858 c 132 s 5; 1862 c 35; GS 1866 c 28 s 4; GS 1878 c 28 s 4; GS 1894 s 2298; RL 1905 s 2815; GS 1913 s 6085; GS 1923 s 7324; MS 1927 s 7324.

330.06 UNLICENSED SALES

The adult son of a licensed auctioneer cannot legally conduct nor carry on auction sales under the father's license. OAG Dec. 15, 1948 (16-B).

CHAPTER 331

NEWSPAPERS

331.01 NEWSPAPER

Publication of village ordinances must be in a legal newspaper in the county, if there is one. A new village code goes into operation on July 1, 1949, and a village should designate an official newspaper for the village which must be a legal newspaper and thereafter all ordinances should be published in the official newspaper. OAG May 18, 1949 (277-B-4).

331.02 LEGAL NEWSPAPER

HISTORY. 1889 c 47 s 1; 1893 c 33 s 1, 3, 4; GS 1894 s 7993, 7996; 1895 c 121; 1897 c 285; 1899 c 10; 1903 c 322; 1905 c 174 s 1; RL 1905 s 5515; 1907 c 3; 1911 c 379 s 1; GS 1913 s 9413, 9414; 1921 c 484 s 3; 1923 c 203; GS 1923 s 10935; 1927 c 28 s 1; MS 1927 s 10935; 1939 c 128 s 1; M Supp s 10935-1; 1947 c 239 s 1; 1951 c 385 s 1.

Where publisher places a bid with the company for legal advertising for the year "at legal rate" and his bid is accepted and during the year the legal rate is increased by statute, the statute does not affect the contract. OAG May 1, 1947 (277-E-1).

Under its charter the city of Wabasha may designate as its official newspaper one not published in the city providing it is a newspaper with general circulation in the city. OAG May 15, 1949 (314-B-2).

A newspaper published on Sunday is not a legal newspaper for the publication of legal notices. OAG Nov. 12, 1947 (314-B-18).