

**Opera Company Employment of Children In.**

Under the provisions of Section 472 of the Penal Code, prohibiting the employment of children under the age of sixteen years for the purpose of "singing, playing on musical instruments, rope walking, dancing, begging or peddling in any public street

or highway, or in any mendicant or wandering business," the question of whether the employment of children in a traveling opera company is in violation of the law must be determined by their mendicant or wandering business character.

Helena, Montana, May 2, 1905.

Mr. Otto F. Schoenfeld, Secretary, Bureau of Child and Animal Protection, Helena, Montana.

Dear Sir:—I am in receipt of your favor of the 28th, relative to the Pollard Lilliputian Opera Company. You inquire whether or not it is lawful for them to exhibit in this State, under the provisions of Section 412 of the Penal Code.

It does not seem to me necessary to construe the language of said section in order to make its provisions plain to you, for it clearly and plainly provides that "any person who shall take, receive, hire, employ, use or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor." The purposes referred to in said section are therein plainly and explicitly set forth as follows: "singing, playing on musical instruments, rope walking, dancing, begging or peddling in any public street or highway, or in any mendicant or wandering business whatever, \* \* \*"

The only question to be solved before applying the law is one of fact, and that is for you to determine, namely, whether the Pollard Lilliputian Opera Company can be considered as conducting a mendicant or wandering business.

Yours very truly,

ALBERT J. GALEN,

Attorney General.