

License of Traveling Merchants.

Where a merchant residing and having a fixed place of business at Helena attempts to advertise and sell goods in his name at Boulder, he must pay the license required under the provisions of Section 4066, Political Code, as amended by Chapter 84, Laws 1905.

Helena, Montana, Oct. 20, 1905.

C. R. Stranahan, Esq., County Attorney, Boulder, Montana.

Dear Sir:—Your request over the telephone for an opinion relating to the license to be paid by traveling merchants received this morning.

As we understand the facts, they are about as follows: A merchant in Helena has sent a stock of merchandise to the town of Boulder in the charge of a salesman who has printed dodgers distributed throughout the town stating that she has the goods, wares and merchandise of a Helena merchant for sale at the store of some local merchant and will remain for a few days only.

There can be no question under the above facts but what it clearly comes within the provisions of Section 4066, of the Political Code, as amended by Chapter 84, laws 1905, which provides: "And every merchant who travels from place to place, and who is not included in the above provisions and vends goods, wares or merchandise at temporary quarters, shall pay a license of \$50 per quarter."

It would make no difference in the effect of this law whether the person so vending goods at temporary quarters rented a vacant building or placed his goods in the store of a local merchant, paying him rent either in cash or a commission on the goods that the outside merchant sold. In either of these cases the goods are being advertised in the name of an outside merchant and are sold by such outside merchant at temporary quarters. Your advise to the county treasurer to enforce the collection of a license of \$50 a quarter was correct, and it is the duty of the county treasurer to see that such law is enforced.

Yours very truly,

ALBERT J. GALEN,

Attorney General.