

establishment engaged in retailing automobiles, is subject to the provisions of Chapter 8 of the Laws of the Twenty-third Extraordinary Session of the Legislative Assembly, regulating the hours of labor.

This chapter applies to employees in retail stores, leased businesses and wholesale warehouses. It is necessary to determine whether or not the establishment mentioned is a store. A store is generally defined as a place where goods or merchandise of any kind are kept for sale. Various definitions are given in 60 C. J. 116, and at the same place are cited many kinds of business establishments which are included within the term "stores."

In the case of *Fox v. Standard Oil Company of New Jersey*, the term "store" was defined in the law. The opinion in this case was written by Justice Cardozo and is dated January 14, 1935. In that case it was held that a filling station was a store within the terms of the act. We would, therefore, conclude that an establishment where automobiles are sold at retail and at which we assume are also sold accessories and supplies is a store within the meaning of this chapter.

You inquire as to what employees of such establishments might be excluded from its terms. It would seem that all employees are included within the terms of this act. However, it may be that if an employee can show that his services are in no manner connected, either directly or indirectly, with the sale of merchandise, such person might not be included within the terms of this act.

Opinion No. 38.

**Labor—Eight Hour Day Law—
Automobile Retailer.**

HELD: An establishment where automobiles are sold at retail, and at which it is assumed that accessories and supplies are also sold, is a retail store within the meaning of Chapter 8, Laws of the Extraordinary Session, 1933-34.

February 5, 1935.

Mr. Miles Romney
State NRA Compliance Director
Helena, Montana

You inquire whether or not an es-