

December 28th, 1910.

John Sundback, Esq.,
Clerk of the District Court,
Nome, Alaska.

Dear Sir:--

In reply to questions submitted, I beg to advise you as follows:

- 1.
2. With reference to parties carrying on a small trading industry, the situation is somewhat difficult, and complicated. I suppose it must be assumed that the firm that scatters these small traders through outlying districts originally pays a mercantile license covering the aggregate of the parent stock and of the stocks scattered through the smaller traders. The question then arises as to the ownership of the smaller stocks, and I assume that the larger establishment would place itself in a position to show an actual transfer of the goods. The small traders then must be chargeable, if at all, either as conducting a mercantile business themselves or as peddlers or itinerant venders. These two terms are sometimes used as equivalents, and I think may be so considered by us. It is immaterial that a peddler barter his goods instead of selling them, so that feature of the situation need not enter into this discussion, nor is it necessary that a peddler hawk or cry out his goods; if he carry his merchandise with him traveling from place to place exposing his own or his principal's

-----2 John Sundback, Esq.

goods for sale or selling them, he comes within the definition of a peddler, nor do I think that the mere fact that he has some temporary storing place from which he makes his trips will deprive him of the character of peddler. It also appears to me that the character of stock, the lack of permanence of the repository thereof, and the general intent would constitute him a peddler rather than the owner of a mercantile establishment, and subject him to the license fee imposed upon peddlers rather than to that exacted for carrying on a mercantile establishment.

Very truly yours,

Asst. U. S. Attorney.