

**Opinion No. 14-1364**

October 12, 1914

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** Mr. W. H. Smith, Moriarity, New Mexico.

**ITINERANT VENDOR.**

A person selling medicine from a wagon going from place to place is an itinerant vendor.

**OPINION**

{\*225} Replying to your letter of the 10th inst., I have to say that a person who sells medicines from a wagon going from place to place, comes under the definition of an itinerant vendor, and must obtain a license from a county clerk, good only in the county where issued, before attempting to transact such business. The law upon this subject can be found at Section 12, Chapter 142 of the Session Laws of 1909, an extract from which reads as follows:

"Any itinerant vendor of any drug, medicine, nostrum, ointment, lotion, or preparation, or appliance of any kind for the treatment of any disease, injury or bodily defect, or for toilet purposes, shall pay to the county clerk of the county in which he, or she, wishes to pursue his, or her, occupation as itinerant vendor, an annual license fee of one hundred dollars, upon receipt of which the county clerk shall issue a license for one year from its date, authorizing such itinerant vendor to pursue his, or her, occupation as itinerant vendor, within said county, and such license shall not be transferable."

Any person who transacts such a business without first obtaining a license, may be fined not less than \$ 50, nor more than \$ 100, for each offense, or be sentenced to the county jail for a term of not less than fifty, nor more than one hundred days, or both, in the discretion of the court.