

**Opinion No. 37-1831**

December 4, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** State Corporation Commission Santa Fe, New Mexico

{\*198} This is to acknowledge receipt of your letter of December 1 in which you wish to know if it is lawful for a railroad to sell fruit, vegetables, or any other commodity from railroad cars in railroad yards.

I know of no law prohibiting such practice. However, I call your attention to the fact that the railroad company would probably be subject to a license fee imposed by municipalities upon peddlers and itinerant vendors, and would probably be liable for a license fee imposed by counties upon such activities. See Chapter 74, New Mexico Statutes Annotated, 1929 Compilation. Such activities would likewise be subject to taxes imposed by the Emergency School Tax Acts.

Trusting this answers your questions, I am

By: RICHARD E. MANSON,

Asst. Atty. Gen.