

Watters Vs. Michigan

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Court : US Supreme Court

Decided On : Dec-09-1918

Appeal No. : 248 U.S. 65

Appellant : Watters

Respondent : Michigan

Judgement :

Watters v. Michigan - 248 U.S. 65 (1918)

U.S. Supreme Court Watters v. Michigan, 248 U.S. 65 (1918)

Watters v. Michigan

No. 58

Submitted November 19, 1918

Decided December 9, 1918

248 U.S. 65

ERROR TO THE SUPREME COURT

OF THE STATE OF MICHIGAN

SYLLABUS

Whether a city ordinance regulating peddling and canvassing from house to house for sale of property on subscription, is confined to a general course of such business or applies also to isolated transactions, is a local question determinable by the state court.

192 Mich. 462 affirmed.

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The case is stated in the opinion.

MR. JUSTICE HOLMES delivered the opinion of the Court.

The plaintiff in error was complained of for having engaged in peddling goods and having canvassed and taken orders from house to house for the sale of goods in the City of Munising, Michigan, without having received a license as required by a city ordinance. It may be assumed that much the greater part of his business was interstate commerce, and free from any obligation that the ordinance imposed. But, in the course of his business, he did sell two cans of toilet cream that were at rest in the state before the sale, and it is admitted that this transaction was not protected from state legislation. *Bacon v. Illinois*, [227 U. S. 504](#) . On this ground, the supreme court of the state sustained a conviction and fine. *People v. Watters*, 192 Mich. 462. The ordinance makes it unlawful to engage in peddling any goods or to canvass from house to house for the sale of property on subscription without a license, which may be had on payment of specified fees. The plaintiff in error argues that the application of this law should be determined by the general course of business, not by an isolated transaction, and the argument has force. It depends, however, on the construction of the ordinance, and, as the state court has construed it to apply to and forbid the act proved, the judgment must be affirmed.

Judgment affirmed.

