

55.

Syllabus.

necessary to deal specifically with all the details brought up by the dragnet of the plaintiff's exceptions and assignments of error, sixty-nine in number and occupying more than sixty pages of the record. *Central Vermont Ry. Co. v. White*, 238 U. S. 507, 508, 509. Several exceptions were taken to the exclusion of statements by third persons of their reasons for refusing or ceasing to do business with the plaintiff. We should be slow to overthrow a judgment on the ground of either the exclusion or admission of such statements except in a very strong case. But the exclusion in this instance was proper. The statement was wanted not as evidence of the motives of the speakers but as evidence of the facts recited as furnishing the motives. *Lawlor v. Loewe*, 235 U. S. 522, 536; *Elmer v. Fessenden*, 151 Massachusetts, 359, 362. In view of the finding of the jury the rulings as to damages are immaterial and need no discussion here. The defendant put in evidence tending to show that its conduct was not the cause of the plaintiff's failure, and its evidence, or the weakness of the plaintiff's, prevailed. Our conclusion upon the whole case is that the plaintiff has had a fair trial and that the judgment should not be disturbed.

Judgment affirmed.

WATTERS v. PEOPLE OF THE STATE OF
MICHIGAN.

ERROR TO THE SUPREME COURT OF THE STATE OF MICHIGAN.

No. 58. Submitted November 19, 1918.—Decided December 9, 1918.

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 Michigan, 462, affirmed.

THE case is stated in the opinion.

Mr. Maurice B. Dean for plaintiff in error.

No appearance for defendant in error.

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. 192 Michigan, 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.