Groher, Treasurer v. Colgate Palmolive Peet Co.,
94 Ind. App. 234, 245;
Zoercher v. Indiana Associated Telephone Co.,
211 Ind. 447, 456.

Therefore, in my opinion, you should take the number of
shares authorized by the certificate of increase, deduct there-
from the number of shares authorized before the filing of
said certificate of increase and charge a filing fee at the rate
of one cent (1¢) per share on the difference. There will, of
course, be certain other fees to be added to this sum.

PURDUE UNIVERSITY: Agronomist—stating legal weight
per bushel of shelled corn and corn in the ear.

June 28, 1944.

Opinion No. 62

Hon. S. R. Miles,
Associate in Agronomy,
c/o Purdue University,
Lafayette, Indiana.

Dear Sir:

Your letter of June 15, 1944, received as follows:

"Is there a legal weight per bushel for shelled corn
and/or for ear corn? If so, can you give me these
legal weights? If there is a law on this subject I
should also like to know whether the moisture content
of corn is a factor in the legal weight of a bushel."

I wish to advise each of these questions is controlled by
Section 69-305, Burns’ R. S. 1943 Repl., same being Sec. 1,
Ch. 153, Acts of 1917, which in part reads as follows:

"* * * A bushel of the respective articles herein-
after mentioned shall mean the amount of weight,
avoirdupois, in this section specified, as follows:

"* * *

"Of shelled corn, fifty-six (56) pounds;

"Of corn in the ear until December 1, seventy (70)
pounds; corn in the ear after December 1, sixty-eight
(68) pounds; * * *.”
The moisture content of corn under the above statute would not be a factor with which anyone would be concerned as the Act is silent on this question. However, it would appear the legislature took the moisture contents of corn into consideration when they placed the legal standard weight of seventy (70) pounds per bushel until December 1 and sixty-eight (68) pounds per bushel after December 1.

I am further of the opinion the date of December 1 would apply only to corn grown that year.

Attention is called to Section 69-102, Burns' 1943 Repl., same being Sec. 1, Ch. 86, Acts of 1925, which provides as follows:

"The standard weights and measures furnished by the government of the United States in accordance with the joint resolution of congress, approved June 14, 1836, and any additions thereto and renewals thereof certified to by the United States Bureau of Standards, and such weights, measures, balances and apparatus as may be added by the state commissioner of weights and measures and verified by the United States Bureau of Standards, shall be the standards by which all state, county and city standards shall be tried, proved and sealed."

The joint resolution of Congress, approved June 14, 1836, referred to in the above statute, is set out on page 6 in a volume entitled Federal and State Laws relating to Weights and Measures, compiled by the Department of Commerce of the United States of America, Division of Bureau of Standards, Misc. Pub. No. 20, Third Edition, 1926, and is as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to cause a complete set of all weights and measures adopted as standards and now either made or in progress of manufacture for the use of the several custom houses, and for other purposes, to be delivered to the governor of each State in the Union, or such person as he may appoint for the use of the States, respectively, to the end that a uniform standard of weights and measures may be established throughout the United States."
On page 1 of said publication, a history of the origin of the standard weights and measures is given, together with the statement that the above action by Congress was taken pursuant to Section 8 of Article 1 of the Constitution of the United States authorizing Congress to "fix the standard of weights and measures."

On page 936 of said volume is a chart showing the weights per bushel of certain commodities in the different States. This shows the federal government adopted for its use a standard of fifty-six (56) pounds per bushel for shelled or cracked corn, but has not adopted a schedule for corn in the ear.

It is my opinion Section 69-102, Burns' 1943 Repl., supra, as applied to the question under consideration means that the standard weight of so many ounces to a pound as certified to by the United States Bureau of Standards, or as adopted by the State Commissioner of Weights and Measures and verified by the United States Bureau of Standards, shall constitute one pound. The legal standard weight of shelled corn in Indiana is fifty-six (56) pounds per bushel, and the legal standard weight in Indiana of corn in the ear of the current crop is seventy (70) pounds per bushel until December 1 of that year and sixty-eight (68) pounds per bushel after December 1.

RICHMOND STATE HOSPITAL. Inmates of mental hospital can not make valid contract for services with hospital officials. Such inmates may be assigned services as a part of treatment.

July 10, 1944.

Opinion No. 63

Dr. Paul D. Williams,
Medical Superintendent,
Richmond State Hospital,
Richmond, Indiana.

Dear Doctor:

Your letter of July 1, 1944, received as follows:

"Due to the extreme shortage of help and the difficulty of obtaining competent employees the Board of