"Whenever the state commissioner of weights and measures, his agents, deputies or inspectors, or the county and city inspectors of weights and measures find a violation of the statutes relating to weights and measures, he shall cause the violator to be punished." (Acts 1933, page 254.)

One such "violation of the statutes relating to weights and measures" which it is the duty of the enforcing officers named in the act to investigate and prosecute, is the act of a merchant in selling, offering or exposing for sale, or delivering "less than the quantity he represents." Clearly, it would be impractical and inexpedient, if not actually impossible, for the inspectors charged with this work to check, against the standard weights and measures maintained by the state, cartons, boxes or containers of indiscriminate and unstandardized capacities. For this reason, it is the view of the writer that the rule adopted by the commissioner of weights and measures with regard to the sale of ice cream is such a rule as is "necessary for the enforcement of the provisions of this act." (Section 2, supra.)

In conclusion, I believe the rule as adopted is both legal and enforceable.

GOVERNOR: Whether commission on clemency may require judge and prosecuting attorney to submit statement of fact and opinion as to merits of petition.

May 22, 1933.

Mr. Wayne Coy, Under-Secretary to the Governor,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter on the 20th inst., in which you ask the question whether the commission on clemency may require the presiding judge and prosecuting attorney who prosecuted, to submit a statement of fact (including details of the crime or crimes committed) and their opinion as to the merits of the petition, will say that I know of no statute by which you could require such action on the part of the judge and prosecuting attorney, but under the provisions of section 5, chapter 117,
found on page 721 of the Acts of the General Assembly of 1933, I am quite certain you can summons the judge and the prosecuting attorney before your board and require them to give testimony in relation to any case pending therein.

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**OIL INSPECTION, DEPARTMENT OF:** Whether chief clerk may collect fees.

May 24, 1933.

Mr. Lytle J. Freehafer,
Chief Clerk,
Oil Inspection Department,
Indianapolis, Indiana.

Dear Sir:
I have your letter as follows:

“The department of audit and control contemplates making all collections of inspection fees from the oil companies rather than have each inspector collect for his inspections. Referring to section 4 of the State Oil Inspection Act of 1919, page 9, we respectfully request the following opinion:

“If all fees are collected by the chief clerk at the central office, may the law be interpreted to allow the salary and expenses of inspectors (even though they do not receive the remittances of all companies themselves)?”

I do not think there is any objection to the plan suggested by your question, that the chief clerk collect all fees at the central office. The law provides that the monthly compensation and expenses of oil inspectors shall not exceed the total of all fees for inspections made by the inspector during the month for which the compensation and expenses are paid and you will be limited in your payments of salary and expenses as above indicated. This fact, however, does not make impossible the collection of fees by the chief clerk at the central office.

I think the whole question resolves itself into the question of bookkeeping rather than a legal question.