paid for a license may be recovered by the licensee, where the license has become inoperative by acts or circumstances over which he has no control and without his volition.

Blum Co. v. Hastings, 76 Fla. 7; 79 So. 442;
Bart v. Pierce County, 60 Wash. 507; 31 L. R. A. (N. S.) 511.

Therefore, we are of the opinion that you may issue rebates in those cases where the license has become inoperative by acts or circumstances over which the licensee has no control, under the provisions of the 1925 law. Duplicates and transfers may be issued under similar circumstances.

It is true that section 7, chapter 153, Acts of 1933, provides:

"It shall be unlawful for the owner of any truck, tractor, trailer, or semi-trailer, to use such a plate on any vehicle other than the motor truck, tractor, trailer, or semi-trailer for which the same is issued."

However, I am of the opinion that this relates to the transfer of plates by the owner of the truck without the authorization of the proper official of the department of treasury.

TEACHERS’ RETIREMENT FUND BOARD: Authority of board to make investments in interest bearing securities; protection of investments by refunding agreement.

June 19, 1933.

Hon. Robert B. Hougham,
Executive Secretary,
Teachers' Retirement Fund Board,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of the 16th enclosing letter from the officials of Lucas County, Ohio, and also consent and agreement to the plan outlined in those letters, which I am returning to you.

Your specific question is as follows:

"I would like to have your opinion as to authority of our board to make the requested agreement for refunding and also your opinion as to the advisability of submitting bonds which will be due in 1934-35-36 for refunding plan."


The statute applicable to your investment of funds, is section 6988, Burns Revised Statutes of 1926, which is as follows:

"The board of trustees of the Indiana state teachers' retirement fund shall determine what part of said fund may be safely invested and how much shall be retained for the immediate needs, demands, and exigencies of said fund. Such investments shall be made in interest-bearing securities of the United States; or of any state or territorial possession of the United States; or in any security lawfully issued by any state or county, township, city or other municipal corporation within the United States of America. The board of trustees shall have authority at all times to make any investigations in purchasing securities deemed necessary for the protection of the fund."

Under this statute, it seems to me that you have the authority to make this investment, as it is certainly an interest-bearing security of Lucas County, Ohio.

It is my opinion, also, that you have the authority to protect such investments as you have already made by making the refunding agreement.

HEALTH, STATE BOARD OF: (Food and drug commissioner)—weights and labels of loaves of bread.

June 19, 1933.

Mr. M. L. Lang,
State Food and Drug Commissioner,
Department of Commerce and Industry,
Division of Public Health,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

Your letter of June 15, 1933, relative to the "Weights and Labels" of loaves of bread received, and replying will say that under section 9 of the Acts of the legislature of 1933, all loaves of bread have a standard weight, to wit: a loaf weighing three-fourths of a pound, a loaf weighing one pound, a loaf weighing one and one-fourth pounds, a loaf weighing one