

by liquid measure, shall mark thereon in plain letters and figures the exact quantity of the contents thereof in terms of weight, measure or numerical count; provided, however, that reasonable tolerances and variations and also exemptions as to small packages shall be established by rules made by the Secretary of Agriculture and shall conform to those of the federal law, and provided, further, that this act shall not apply to such packages or containers, weighed, put up, packed or filled in the presence of the customer."

From a reading of this statute it is apparent that whoever puts up or fills a bottle with a commodity sold or offered for sale by liquid measure must comply with the provisions of this section. When a person puts up a bottle of oil in the manner set forth in your letter and the bottle with the commodity is not sold or offered for sale, but the commodity is sold or offered for sale without the bottle and the bottle is merely used as a container to carry the oil, such person is not subject to the provisions of this section.

In view of the conclusions reached by me I am inclined to the view that the bottles described by you in your letter are not liquid measures or bottles used for the sale of lubricating oil within the meaning of the regulations of the Director of Agriculture nor is a person putting up such bottles where the contents are sold without the bottle, required to comply with the provisions of Section 13128, General Code.

I am therefore of the opinion that the use of the bottles in the manner indicated by you is not in violation of law.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1752.

APPROVAL, LEASE FOR OFFICE ROOMS FOR USE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS IN THE ULMER BUILDING, CLEVELAND, OHIO.

COLUMBUS, OHIO, April 9, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion a lease between the Public Square Improvement Company of Cleveland, Ohio, as lessor, and the State of Ohio, acting by and through yourself, as Superintendent of Public Works, for the Department of Industrial Relations, as lessee. By the terms of this lease, the State is granted the use for office purposes of Rooms 708 and 709 in the Ulmer Building, Cleveland, Ohio, for the period of eleven months beginning on the first day of February, 1930, and ending on the thirty-first day of December, 1930, in consideration of a total rental of twelve hundred and sixty-five dollars, payable in monthly installments of one hundred fifteen dollars.

You have also submitted an encumbrance record, No. 1083, bearing the certificate of the Director of Finance, to the effect that there is legally appropriated an unencumbered balance sufficient to pay the first five months' rent for the above mentioned premises in the sum of \$575.00.

You have further submitted a copy of the proceedings of the board of directors, certified to by the president and secretary of the company, authorizing the secretary to enter into the lease herein considered.

Finding said lase in proper legal form, I hereby approve it and am returning it, together with all other papers submitted in connection therewith.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

1753.

TOWNSHIP TRUSTEES—PURCHASE OF ROAD MACHINERY UNDER TERMS OF SECTION 7201, GENERAL CODE, BY ISSUANCE OF TOWNSHIP NOTES TO SELLER OF SUCH MACHINERY AUTHORIZED—ISSUANCE OF NOTES OTHER THAN TO SUCH SELLER UNAUTHORIZED.

*SYLLABUS:*

1. *Under the provisions of Section 7201, General Code, township trustees may purchase a road grader for use in the construction, maintenance and repair of roads upon the terms therein provided, by the issuance of township notes to the seller of such grader.*

2. *Section 7201 does not authorize the issuance of notes for the purposes therein specified to other than the seller of such road machinery.*

COLUMBUS, OHIO, April 9, 1930.

HON. EVERETT L. FOOTE, *Prosecuting Attorney, Ravenna, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

"I am in receipt of the following letter from the clerk of the board of trustees of Rootstown Township in this county:

"The trustees of Rootstown Township, having decided to buy a road maintainer, advertised for bids on same (one insertion in the Evening Record) of a type of grader approved by the county engineer. One proposal only was received from the Cuyahoga Equipment Co., of Cleveland for 1 Warco Model E Center Control Grader, with McCormick Deering power at \$2925.00. Their proposal included an offer of \$400.00 for used Hatfield-Penfield Grader owned by Trustees.

The proposal was accepted by the trustees and terms of payment arranged as follows:

\$950.00 with interest at 6% April 1, 1931.

\$950.00 with interest at 6% April 1, 1932.

Now the trustees desire to know if they can legally borrow \$1900.00, giving the township's notes due as above, pay cash for the grader, and secure 2% cash discount amounting to \$58.50 as offered by the Equipment Company in their original proposal. This would mean a saving of \$58.50 on the price of the Grader. We would appreciate an opinion from you on this point.'

In my opinion this situation is covered by Section 7201 of the General Code, which provides among other things that 'such commissioners or trustees shall be authorized to issue to the purchaser the notes of the county or township, as the case may be, signed by the commissioners or trustees and attested by the signature of the county auditor or township clerk, and covering such