

measure dimensioned as per section 6415 G. C. would hold when said apples were, pursuant to section 6416 G. C., "heaped in a conical form as high as such articles permit." In such case the giving by the vendor of a mere "level full" measure would constitute a false or short measure, and would be a violation of section 13106 G. C., which says:

"Whoever, in buying or selling any property, or directing or permitting an employe so to do, makes or gives a false or short weight or measure * * * shall be fined not more than fifty dollars."

The precise question submitted by you, whether a party selling apples or potatoes at so much "per peck measure" may be compelled to give twelve pounds of apples or fifteen pounds of potatoes, must be answered in the negative. This for the reason already suggested, namely, that there is no legal requirement as to the *weight* of a *peck* of potatoes or apples, but only a requirement as to *measure*. In other words, one who sells apples at "35 cents per peck measure" cannot be required, in the absence of agreement between the parties, to give twelve pounds of apples, but he can be required in such case to give a peck measure of apples heaped in the manner required by section 6416 G. C.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1706.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN CRAWFORD, MUSKINGUM AND WILLIAMS COUNTIES, OHIO.

COLUMBUS, OHIO, December 13, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1707.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN SENECA COUNTY, OHIO.

COLUMBUS, OHIO, December 13, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*