

would be a taking of such property for "public use." This is the question upon which this department would have desired further time for consideration. As at present advised, however, it is the opinion of this department that if the exigency were imperative enough and a condition of actual suffering were definitely threatened or present, such use of the property so appropriated would be "public" in the sense in which that term is used in the constitution. As to the right of a state to exercise the power of taxation in support of this kind of an enterprise, it is believed that recent decisions of the Supreme Court of the United States support the view that under the circumstances imagined it would constitute such a "public purpose" as is requisite for the proper exercise of the power of taxation, should that be required.

As previously intimated the seizure of mines and stocks of coal is a course to be pursued only as a last resort, after all other expedients shall have failed to accomplish the purpose. Only under such circumstances could it be confidently asserted that a "public exigency," within the meaning of the constitutional provision above referred to, existed.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

3576.

APPROVAL, CONTRACT OF STATE OF OHIO WITH THE F. D. SULLIVAN COMPANY, COLUMBUS, FOR CONSTRUCTION AND COMPLETION OF 6-INCH CAST IRON WATER MAIN TO BE LAID FROM DEFIANCE MUNICIPAL WATER WORKS INTO PROPOSED FISH HATCHERY, DEFIANCE COUNTY, AT A COST OF \$5,950.00—SURETY BOND EXECUTED BY SOUTHERN SURETY COMPANY.

COLUMBUS, OHIO, September 5, 1922.

HON. LEON C. HERRICK, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted to me for approval a contract (three copies) between the State of Ohio, acting by the Department of Highways and Public Works, and F. D. Sullivan, an individual, doing business as F. D. Sullivan Company, of Columbus, Ohio. This contract is for the construction and completion of a 6-inch cast iron water main to be laid from Defiance Municipal Water Works into the proposed fish hatchery, Defiance county, Ohio, and calls for an expenditure of five thousand nine hundred and fifty dollars (\$5,950.00).

Accompanying said contract is a bond to insure faithful performance, executed by Southern Surety Company.

I have before me the certificate of the Director of Finance that there is an unencumbered balance legally appropriated sufficient to cover the obligations of this contract.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return same to you herewith, together with all other data submitted to me in this connection.

Respectfully,
 JOHN G. PRICE,
Attorney-General.