

purposes. Otherwise stated, if development of electric energy in the use of the water of the river as promotive of the state's industrial and economic welfare is the controlling element of consideration and is in mind as the inducement and goal sought by the contracts, they may properly be entered into. If the particular utilities are in mind, to be aided in the improvement and increase of their water power, which they are to pay for through use of the state's credit, the agency's power to contract therefor has not been granted.

JOHN E. ALLEN.  
 THOMAS L. MARBLE.  
 OLIVER W. BRANCH.  
 PETER WOODBURY.  
 ELWIN L. PAGE.

February 2, 1937.

*Fred C. Demond* (by brief and orally), and *Robert W. Upton*, (by brief), for the New Hampshire Water Resources Board.

Feb. 2. }  
 1937. }

OPINION OF THE JUSTICES.

*To Honorable Oren V. Henderson, Speaker of the House of Representatives:*

The undersigned Justices of the Supreme Court have received your request for our opinion upon the constitutionality of House Bill No. 41.

In response, it is our opinion that the bill, while designed to accomplish a proper public purpose, seeks to effect it through means and methods which the constitution forbids.

The reasons for this opinion are fully set forth in our opinion given this day to the Governor and Council relative to Laws 1935, c. 121, and to that opinion we would respectfully refer you.

The adoption of these prohibited means and methods is demanded as an integral and inherent feature of the bill, and we therefore are unable to perceive any validity in any part of it.

JOHN E. ALLEN.  
 THOMAS L. MARBLE.  
 OLIVER W. BRANCH.  
 PETER WOODBURY.  
 ELWIN L. PAGE.

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OPINION OF THE JUSTICES.