of compensation for land taken. The requirement of just compensation as provided by the Constitutional provisions is satisfied if public faith and credit are pledged to a reasonably prompt ascertainment and payment, if any, of the property taken.

LABOR, DEPARTMENT OF: Agricultural products not included in phrase “goods, wares or merchandise, manufactured or mined.”

April 15, 1940.

Mr. William J. Curtin,
Assistant Commissioner of Labor,
State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of recent date as follows:

"Would the selling or offering for sale on the open market of this state, vegetables or agricultural products raised or grown by convicts or prisoners, be a violation of Sec. 1, Chapter 127, of the Acts of 1939?"

I assume that your inquiry refers to raw vegetables and agricultural products which have not been canned or processed, and this opinion is so limited.

Section 1, Chapter 127, Acts of 1939, recites in part as follows:

"That it shall be unlawful for any person, firm, or corporation to sell, offer for sale on the open market of this state, any goods, wares or merchandise manufactured or mined, wholly or in part, in this or any other state by convicts or prisoners, * * *"

It is to be noted that the prohibition of the statute is the sale of "goods, wares or merchandise manufactured or mined * * *.”

Therefore, the answer to your question will depend upon whether or not the raising of vegetables and agricultural products is classed as manufacturing.
I call your attention to the case of Fleckles v. Hille, 83 Ind. App. 715, 716, in which the court said:

"The term 'agriculture' is defined as the art or science of cultivating the soil, including the planting of seed, the harvesting of crops, and the raising, feeding and management of livestock and poultry."

The word "manufacture" is defined as:

"To make (wares or other products) by hand, by machinery, or by other agency; as to manufacture cloth, nails, glass, etc.; to produce by labor, esp., now, according to an organized plan and with division of labor, and especially with machinery.

"To work, as raw or partly wrought materials, into suitable forms for use; as, to manufacture wool, iron, etc.

"Anything made from raw materials by the hand, by machinery, or by art, as cloths, utensils, machinery, etc."

Webster's New International Dictionary.

From these definitions it seems clear that the raising of agricultural products should not be included in the term "manufacture."

The answer to your question is, therefore, in the negative.

AUDITOR OF STATE: Defacto Township Trustee, what constitutes such officer. School funds, distribution of, to defacto school officer.

April 16, 1940.

Hon. Frank G. Thompson,
Auditor of State,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that a request has been made upon you for payment of common school relief to Noah E. Wagner as trustee of Brown Township,