

4121.

APPROVAL, BONDS OF WAYNE RURAL SCHOOL DISTRICT, MONROE COUNTY, OHIO, \$911.93.

COLUMBUS, OHIO, APRIL 5, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4122.

MOTION PICTURE FILMS—AMENDED S. B. NO. 88 OF 91st G. A. HELD UNCONSTITUTIONAL IF ENACTED.

SYLLABUS:

The provisions of Amended Senate Bill No. 88 of the 91st General Assembly, purporting to regulate the selling, renting, leasing and bartering of motion picture films would, if enacted into law, unduly interfere with the rights of property of copyright owners of motion picture films under laws of the United States enacted in pursuance of the Constitution of the United States and would be an unwarranted interference with the rights of private contract of the owners of motion picture films, whether copyrighted or not, and for that reason would be in violation of the provisions of Section 1, Article I of the Constitution of Ohio and of Article XIV of Amendments to the Constitution of the United States.

COLUMBUS, OHIO, APRIL 5, 1935.

HON. MARTIN L. DAVEY, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—I am in receipt of your request for my opinion with respect to whether or not a law as contained in Amended Senate Bill No. 88 of the 91st General Assembly, which bill has been passed by the Legislature of Ohio and has been presented to you for your approval or veto as in your judgment may be advisable, would be constitutional if finally enacted in accordance with law. This act purports by its title to be "AN ACT To regulate the selling, renting, leasing and bartering of motion picture films." The act contains five sections, and reads as follows:

"SECTION 1. As used in this act, the word 'person' shall include any natural person, partnership, co-partnership, firm, unincorporated association or corporation doing business within this state.

'Public exhibition' shall mean any exhibition, performance or display which the public may see, view or attend for an admission price, fee or other valuable consideration.

SECTION 2. It shall be unlawful for any person to enter into a contract, directly or indirectly, to sell, rent, lease, license, lend, distribute or barter a motion picture film for public exhibition within this state upon the condition imposed by the seller, vendor, renter, lessor, licensor or distributor of such mo-