

this case, that a public hall for auditorium and exposition purposes will be a benefit to the public, in that it will be the means of drawing to the city great crowds of people from other sections of the country who will expend money among our citizens. * * * That taxes can only be used for a public purpose is also elementary. But there is a wide latitude of judicial opinion as to what constitutes a public purpose. There is general unanimity, however, that moneys cannot be lawfully used to promote private enterprises. And this is especially true if these enterprises are to come into direct competition with others of a similar character, such as are usually managed, owned and controlled by private persons. Practically all the authorities cited by plaintiff to support the contention that the purpose of the defendant city is *ultra vires*, fully sustain these general propositions; but the question still remains, is the erection of a building for auditorium and exposition purposes a municipal affair or a proper function of municipal government?"

Following the above quotations from the opinion by Foran, J., there appears a very lengthy discussion of the right and authority of a municipality to build an auditorium for civic purposes, which right the court seems to justify, but following this, concerning the right of a municipality to erect a hall or building for exposition purposes, the court makes the following observations:

"The use of the contemplated building for exposition purposes we think unwarranted, unless the doctrine of state socialism is to be considerably advanced, and so advanced as to foster, promote and encourage improvidence and poverty. This does not mean, however, that the auditorium which the city has power to build, erect and maintain, might not be used for such purposes after its construction. It only means that a municipality may not use or appropriate public funds for the erection and maintenance of a building designed primarily for exposition purposes. That a municipality has the right to make any lawful use of a building it has power to erect and the right to own and maintain, can not be denied, during such periods as its use may not be required by the public."

In view of the provisions of the several sections of the General Code above discussed, and the authorities cited, especially the case of Heald vs. City of Lakewood, supra, it is believed that a board of education is without authority to expend school funds to install and maintain motion picture equipment or enter into contracts for films for entertainment purposes, or for any purpose other than in connection with the regular courses of study.

Respectfully,
C. C. CRABBE,
Attorney General.

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APPROVAL, VILLAGE OF TERRACE PARK, HAMILTON COUNTY,
\$8,200.00.

COLUMBUS, OHIO, November 20, 1925.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.