

contentment. Shall food, raiment and shelter be provided free to all who demand them? This may seem an extreme view, but there is a growing tendency to demand state assistance observable everywhere."

I am not unmindful of the fact that the Supreme Court of Ohio, in the case of *State, ex rel. vs. Lynch*, 88 O. S. 71, to which reference has heretofore been made, held that the city of Toledo was not authorized under its charter authority of local self government to establish and maintain moving picture theaters. That case was decided in 1913, at the outset of judicial consideration of the constitutional amendments authorizing "home rule." The opinion may be said to be the first cautious step in the direction of the extension of home rule powers to municipalities. As I before pointed out, Judge Shauck held that the home rule amendment was not self executing, which conclusion has already been discredited in a succession of cases since decided. On page 97 is found a criticism of the extension of the governmental field into private enterprises. Judge Shauck, the writer of the opinion, says:

"The suggestion that moving picture exhibitions might be made educational is gratuitous because that is not their natural object. It is unavailing because Article VI of the Constitution shows that education supported by taxation is to be conducted by 'a system of common schools throughout the state.'"

This opinion would certainly negative the right of the city of Cleveland to expend public funds for broadcasting, but it is very questionable whether the distinct trend toward the enlargement of municipal powers has not nullified the effect of this language.

I am, therefore, of the opinion that the city of Cleveland may properly expend its funds for the payment of the expense of broadcasting entertainments in connection with the use of this public auditorium. As I stated at first, the result of this broadcasting is to increase the attendance at the expositions and entertainments and thereby increase the revenue of the city. In other words, the broadcasting feature brings increased rentals to the city due to the fact that the rentals received from its unused auditorium are based upon the attendance at the performances held therein and it has been satisfactorily demonstrated that the broadcasting stimulates attendance. Therefore, while the result may incidentally affect the revenue of the private enterprises, it brings added revenue to the city.

Respectfully,
EDWARD C. TURNER,
Attorney General.

925.

APPROVAL, LEASE TO OFFICE ROOMS IN COLUMBUS, OHIO FOR USE
OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

COLUMBUS, OHIO, August 29, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted, for my examination and opinion, a proposed lease between The Yuster Building Company, of Columbus, Ohio, as lessor, and the

State of Ohio, acting by and through George F. Schlesinger, as Director of Highways and Public Works for the Department of Industrial Relations, as lessee, by the terms of which it is proposed to lease fourteen rooms in the Yuster Building, Columbus, Ohio, for the use of the Department of Industrial Relations. The term of the lease is from August 14, 1927, to December 31, 1928, and calls for an annual rental of \$7,200.00 per year. You have also submitted an encumbrance certificate, certified by the Assistant Director of Finance, to the effect that there is legally appropriated an unincumbered balance sufficient to pay the first six months' rent for the above premises in the sum of \$3,600.00.

Finding said proposed lease and encumbrance estimate in proper legal form, I hereby approve the same and am returning the same to you herewith, together with all other papers submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

926.

DISAPPROVAL, BONDS OF BUTLER TOWNSHIP RURAL SCHOOL DISTRICT, DARKE COUNTY, OHIO—\$25,000.00.

COLUMBUS, OHIO, August 29, 1927.

Re: Bonds of Butler Township Rural School District, Darke County, Ohio,
\$25,000.00.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

Examination of the transcript pertaining to the above bond issue discloses that the bonds were issued pursuant to an election held on the 3d day of November, 1925. Publication of the notice of said election was had by posting of the notice of election in two conspicuous places in the school district, for a period of thirty days preceding the election, and by publication in the Greenville Advocate "for four consecutive weeks and after October 9, 1925."

Prior to its repeal in House Bill No. 1 of the 87th General Assembly, effective August 10, 1927, Section 5649-9b provided that notice of the election must be published in one or more newspapers printed, and of general circulation, in the subdivision once a week, for four consecutive weeks prior thereto, or if no newspaper of general circulation was printed in such subdivision, the notice must be posted in two conspicuous places therein at least thirty days prior to the election and published once a week, for four consecutive weeks, in one or more newspapers of general circulation in the district.

In the case of *State vs. Kuhner and King*, 107 O. S. 406, the Supreme Court held that a statutory requirement of publication of an advertisement for bids, for two weeks, meant publication for two full weeks, or fourteen days, and not publication in two weeks.

In the present instance, publication was had in four issues of the Greenville Advocate, but for a period of only twenty-four days preceding the election.