

fication to distinguish the objects for which, according to settled usage, the government is to provide, from those which by the like usage are left to private inclination, interest or liberality.'

The term "public use" is also described in *Bowier* as follows:

"Public use implies the use of many or by the public. It may be limited to the inhabitants of a small or restricted locality, but it must be in common and not for a particular individual."

The effect of the exercise of the power delegated to council by section 3982-1 G. C. is that it allows the council as the legislative body of a corporation, to take the property of the municipality and bestow it elsewhere, upon either a person, corporation or association that renders a service deemed to be of such character as will by its use benefit the municipality or the public generally. The privilege allowed is restricted to councils owning and operating the plants named but the discretion given such councils is quite general.

The McKinley Memorial Building at Niles, about which your second question is asked, may be, and perhaps is, like many such buildings, sometimes, and in part, perhaps, at all times, used for a private purpose or for a function to which a part of the public is excluded. If such be the case, such use is not a public use and free service by the public utilities of the municipality is not proper under this section, although as has hereinbefore been stated, the purpose for which the building was erected is generally a public purpose and for a public use. Your second question is therefore answered in the affirmative only in so far as the service furnished is for a municipal or a public use. The other two questions which you ask are answered in the affirmative.

Respectfully,

C. C. CRABBE,
Attorney-General.

983.

APPROVAL, BONDS OF THOMPSON RURAL SCHOOL DISTRICT, NO. 1,
GEAUGA COUNTY, \$36,000.00, TO CONSTRUCT AN ADDITION TO THE
PRESENT SCHOOL BUILDING.

COLUMBUS, OHIO, December 10, 1923.

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