

Specifically answering your question, therefore, I am of the opinion that a city board of health may by resolution require all lots and lands abutting on streets in which sanitary sewers exist, and which lots and lands have cesspools and similar places located thereon, to be connected with such sanitary sewers within a reasonable time after the adoption of the resolution.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1344.

NEWSPAPER—PUBLICATION CIRCULATING ONLY AMONG BOND BUYERS NOT NEWSPAPER OF GENERAL CIRCULATION UNDER SECTION 2293-28, GENERAL CODE.

**SYLLABUS:**

*A publication having its circulation only among bond buyers is not a newspaper of general circulation within the meaning of Section 2293-28, General Code, which provides that notes or bonds of a subdivision of this state which are rejected by the trustees or commissioners of the sinking fund and which have maturity of more than two years, shall be sold to the highest bidder after being advertised for the time and in the manner therein provided in a newspaper having general circulation in the county where the notes or bonds are issued.*

COLUMBUS, OHIO, December 9, 1927.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN :—This is to acknowledge receipt of your communication under date of November 21, 1927. This communication, including the question therein submitted for my approval, is as follows :

“Section 2293-28, 112 O. L. page 376, reads :

‘If said notes or bonds are rejected by such officers, then notes having a maturity of two years or less may be sold at private sale at not less than par and accrued interest, and all bonds and notes having a maturity of more than two years shall be sold to the highest bidder, after being advertised once a week for three consecutive weeks and on the same day of the week, the first advertisement being published at least twenty-one full days before the date of sale, in a newspaper having general circulation in the county where the bonds are issued. The advertisement shall state the total amount of bonds or notes and interest thereon to be sold, how long they are to run, the rate of interest to be paid thereon, the dates of payment of interest, the purpose of the issue and the day, hour and place in the county where they are to be sold. Such advertisement may also state that any one desiring to do so may present a bid or bids for such bonds based upon their bearing a different rate of interest than specified in the advertisement, provided, however, that where a fractional interest rate is bid such fraction shall be one-quarter of 1 per cent or multiples thereof. Such advertisement may also require every bidder to file with his bid a bond or certified check in a specified amount.’

Section 6255 reads :

"Whenever any legal publication is required by law to be made in a newspaper or newspapers published or printed in a municipality, county or other political subdivision, the newspaper or newspapers used shall have at least one side thereof printed in such municipality, county or other political subdivision ; and whenever any legal publication is required by law to be made in a newspaper or newspapers of general circulation in a municipality, county, or other political subdivision, without further restriction or limitation upon a selection of the newspaper to be used, such publication shall be made in a newspaper or newspapers at least one side of which is printed in such municipality, county or other political subdivision, unless there be no such newspaper or newspapers so printed, in which event, only such publication shall be made in any newspaper or newspapers of general circulation therein."

QUESTION: May a municipal corporation in Ohio, not having adopted a charter, legally pay from public funds the cost of advertising a bond sale in a New York publication of general circulation among bond buyers in this and other states?"

Section 2293-28, General Code, quoted at length in your communication, provides that notes or bonds that are rejected by the trustees or commissioners of the sinking fund of the subdivision, and which have a maturity of more than two years, shall be sold to the highest bidder after being advertised for the time and in the manner therein provided "in a newspaper having a general circulation in the county where the bonds are issued."

In 20 R. C. L., on page 205, it is said :

"To be a newspaper in general circulation in a state, county, city, or town, the paper must be published for the dissemination of local or for telegraphic news and intelligence of a general character. It must have a subscription list of paying subscribers, and must be established, printed, and published at regular intervals in such state, county, city or town, and it must reach all classes of the public."

In the case of *In re House Resolution No. 10, 50 Colorado 71*, it was held that :

"The words 'general circulation' were descriptive of the character of the newspaper and exclude a newspaper of a limited circulation and restricted to some particular trade or calling."

In an opinion of the court in the case of *State of Ohio ex rel vs. The Lorain Democrat Company*, 12 O. N. P. (n. s.) 529, 531, affirmed by the Circuit Court without opinion, it is said :

"The use of the word 'general' in connection with circulation of a newspaper, while it may refer somewhat to the extent of its circulation through a given community, in the main refers to the character of the paper and the purpose of its publication, whether designed to represent some special interest, business, trade, society, religion, organization or whether designed for circulation as the disseminator of intelligence of passing events, local and general news and items of common interest.

A paper of general circulation is one not devoted to any single or particular object, but is devoted to matters pertaining to and of concern to the whole community and of public and common interest. The purposes to which the paper is devoted must be of common interest to many."

It is not necessary to subscribe to all of the tests noted in the authorities above cited in order to reach the conclusion that the publication mentioned in the question submitted by you is not a newspaper of general circulation within the meaning of Section 2293-28, General Code. In any county bond buyers are a very small part of the whole number of persons in such county ordinarily reached by a newspaper of general circulation. Therefore, I am of the opinion that the question submitted by you must be answered in the negative.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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1345.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN ALLEN AND GEAUGA COUNTIES, OHIO.

COLUMBUS, OHIO, December 9, 1927.

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

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1346.

GRAND JURY—RIGHT TO REQUIRE PRODUCTION OF BALLOTS IN INVESTIGATION OF CRIMES.

*SYLLABUS:*

*Grand jury has right to require the production of ballots in the custody of election officials in connection with grand jury's investigation of crimes and offenses.*

COLUMBUS, OHIO, December 10, 1927.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter requesting my opinion as follows:

"We are enclosing herewith a request from the Board of Deputy State Supervisors of Elections for Lucas County for information.

As the subpoena is returnable December 12th may we have information sufficiently early to advise them?"