

specifically conferred upon them by statute or as are incidental to the powers and functions so conferred, and it follows that such creatures of statute may expend public funds in carrying out such functions and powers.

In order, therefore, for a city board of health to be justified in expending its funds to pay the cost of printing and distributing a quarterly report such as the one under consideration, authority to make such expenditure must be found in some statute. The provisions of the law of Ohio relative to the powers and functions of boards of health of city districts are found in sections 4404 to 4476, General Code, both inclusive. A search of these sections fails to reveal any specific or implied authority conferred upon such boards of health to publish quarterly reports such as the one under consideration or to publish other periodical reports.

In this connection it might be well to point out the fact that section 1261-19, General Code, which was a part of the Hughes and Griswold health acts, and which is one of the group of sections relative to general health districts created by section 1261-16, *supra*, provides that it shall be the duty of the district health commissioner to keep the public informed in regard to all matters affecting the health of the district. This language would apparently be broad enough to cover the publication of a pamphlet or a report such as the one under consideration, but section 1261-19 refers only to general health districts and cannot, in my opinion, be construed to cover city health districts as well as general health districts. No similar authority has been granted by the legislature to boards of health or health commissioners of city health districts.

It is therefore my opinion that a city board of health may not legally expend its funds to pay the cost of printing and distributing to the public a quarterly or other periodical report showing the activities of such board of health.

Respectfully,

EDWARD C. TURNER,
Attorney General.

575.

APPROVAL, ABSTRACT OF TITLE TO LAND IN HOCKING COUNTY.

COLUMBUS, OHIO, June 6, 1927.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of June 6, 1927, submitting for my examination warranty deed from Emery O. Bainter and Bertha Bainter of Hocking County, Ohio, covering the following described premises situated in the county of Hocking and state of Ohio, to wit:

“Being the southeast quarter of the southeast quarter of Section 33, Township 12, Range 18, in Laurel Township, Hocking County, Ohio, containing 42 acres.

Also the northeast quarter of the northeast quarter of Section 4, Township 11, Range 18, in Benton Township, Hocking County, Ohio, containing 37 acres.

Also Fractional Lot No. 4, in Section 3, Township 11, Range 18, Hocking County, Ohio, containing 11½ acres, more or less.”

I have examined said deed and finding the same regular in form and to have been duly executed according to law, I hereby approve the same.

The warranty deed together with the abstract of title and encumbrance estimate

covering this purchase which were passed upon in Opinion No. 218, dated March 22, 1927, and which you returned to this office with the above deed, are herewith returned.

Respectfully,

EDWARD C. TURNER,
Attorney General.

576.

BAIL BOND—FORFEITED BOND FOR OFFENSE CHARGED UNDER SECTION 13193-2, GENERAL CODE, SHOULD BE PAID INTO THE COUNTY TREASURY.

SYLLABUS:

Where a bail bond given by an accused charged with an offense under Section 13193-2, General Code, is forfeited and collected by the magistrate, the moneys so collected should be paid into the county treasury.

COLUMBUS, OHIO, June 6, 1927.

HON. W. D. LEACH, *Chief of Division, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your recent communication which reads:

“Some months ago we prosecuted a party in Mansfield for selling a misbranded product known as ‘Covenant Oil.’ A copy of that affidavit is attached and was written from your office. The party when called in plead not guilty and was placed under \$500.00 bond. When day of trial came he did not show up and later bond was reduced to \$400.00 and forfeited. This action was before Mayor J. Earl Ports of Mansfield. Mayor Ports soon afterward returned to the County Auditor of that county the \$400.00 forfeited.

This office contends that this \$400.00 should come to the State of Ohio, to the Department of Agriculture. Will you kindly render this department your decision upon the same.”

The affidavit to which reference is made in the above communication was filed under the provisions of Section 13193-2, General Code, which reads:

“Whoever, with intent to sell, or in any wise dispose of merchandise, securities, service or anything offered by him, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, or deceptive, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not exceeding twenty days or by both said fine and imprisonment.”