

other instruments of writing required by law to be recorded, presented to him for that purpose. They shall be recorded in regular succession according to the priority of presentation, entering the file number at the beginning of such record. *At the foot of the record of each instrument he shall record the date and precise time of day when it was presented for record.*" (Italics the writer's.)

From the facts presented by you, it appears that the recorder of your county has complied with all the requirements of this section for recording instruments. The section is silent upon the matter of a certificate signed by the recorder to the effect that the record is a correct copy of the original instrument.

The county recorder has only those duties prescribed by law. Because of the specific enumeration in the statute of the acts to be performed by the recorder in making the record, we cannot assume that the General Assembly intended him to perform other acts in order to make the record complete. I consider this a proper case for the application of the well known maxim of construction "expressio unius est exclusio alterius".

Even if the statute were ambiguous and could, without doing violence to its language, be construed as requiring the certificate which you mention, I should hesitate to so construe it because of the long continued practice of recorders in various counties in omitting to so certify. In *State, ex rel., vs. Brown*, 121 O. S. 73, at pages 75 and 76, the court said:

"It has been held in this state that 'administrative interpretation of a given law, while not conclusive, is, if long continued, to be reckoned with most seriously and it is not to be disregarded and set aside unless judicial construction makes it imperative so to do.' *Industrial Commission vs. Brown*, 92 Ohio St., 309, 311, 110 N. E., 744, 745 (L. R. A., 1916B, 1277). See, also, 36 Cyc., 1140, and Ruling Case Law, 1043, and cases cited.

This is a well-recognized principle of statutory construction, and we deem it applicable in the present instance."

Specifically answering your question, I am of the opinion that the record of a deed, mortgage or other instrument is complete if it is made according to the specific provisions of section 2759, General Code, although it contains no certificate signed by the recorder to the effect that the record is a correct copy of the original instrument.

Respectfully,

JOHN W. BRICKER,
Attorney General.

31.

APPROVAL; NOTES OF McARTHUR-HUNTSVILLE RURAL SCHOOL DISTRICT, LOGAN COUNTY, OHIO—\$3,800.00.

COLUMBUS, OHIO, January 18, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.