

shall not exceed five hundred dollars and such imprisonment shall not exceed six months."

It seems clear that a municipality may pass an ordinance such as the one under consideration and provide a fine for the violation thereof, even though the state should have provided an offense for a similar act by statute. See Opinions of the Attorney General for 1919, Vol. II, page 1539.

It is believed, therefore, that the part of the ordinance in question that defines an offense and fixes the fine for a violation thereof is not invalidated because of the fact that the provision relating to fees to be taxed by the mayor is inconsistent with the general law.

In view of the foregoing, you are specifically advised that:

1. The village council can not by ordinance fix the fees to be taxed by a mayor in either ordinance or state cases different than those provided in Section 4556 of the General Code.

2. An ordinance attempting to fix such fees will not be invalidated to the extent that it defines an offense and provides a fine for the violation thereof, but is inoperative in so far as it attempts to fix the mayor's costs.

Respectfully,

EDWARD C. TURNER,

Attorney General.

3112.

APPROVAL, ABSTRACT OF TITLE TO LAND OF EARL CHEATWOOD IN UNION TOWNSHIP, SCIOTO COUNTY.

COLUMBUS, OHIO, January 8, 1929.

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

DEAR SIR:—This is to acknowledge the receipt of your communication of recent date enclosing a corrected abstract of title, warranty deed, and other files relating to the proposed purchase of a certain tract of one hundred acres of land owned by one Earl Cheatwood in Union Township, Scioto County, Ohio, which property is more particularly described in Opinion No. 2776 of this department directed to you under date of October 25, 1928.

An examination of the corrected abstract of title shows that said Earl Cheatwood has a good and merchantable fee simple title to the lands and premises here in question, free and clear of the objection to the title noted in said former opinion of this department on the original abstract of title submitted. The only exception now noted affecting the title to said lands is that arising with respect to the taxes on said lands for the year 1928, which taxes amounting to \$6.21 are a lien on said lands.

The warranty deed signed by said Earl Cheatwood and Mary E. Cheatwood, his wife, conveying said property to the State of Ohio, as well as Encumbrance Estimate No. 4265 and the certificate of the Controlling Board, were each and all approved in the former opinion of this department above referred to.

I am herewith returning to you corrected abstract of title, warranty deed, encumbrance estimate and Controlling Board certificate.

Respectfully,

EDWARD C. TURNER,

Attorney General.