

ceive the following fees: For filing each instrument or copy, six cents; for searching each paper, six cents; for making the entries upon the filing of an instrument, six cents for each party thereto; for recording such instrument, ten cents per hundred words; for recording any affidavit, credit or statement added to an instrument between the time of its record and refileing, twenty-five cents; and the like fees for certified copies of such instrument, or copies as are allowed by law to county recorders for like services."

This section provides for the fees chargeable by the county recorder for services in respect to chattel mortgages, and makes no provision for the acceptance of individual checks in lieu of such fees.

Section 2977 G. C. provides as follows:

"All the fees, costs, percentages, penalties, allowances and other perquisites collected or received by law as compensation for services by a county auditor, county treasurer, probate judge, sheriff, clerk of courts, surveyor or recorder, shall be so received and collected for the sole use of the treasury of the county in which they are elected and shall be held as public moneys belonging to such county and accounted for and paid over as such as hereinafter provided.

It may be noted that this section definitely states that all fees and costs collected as compensation for services by a county recorder shall be held as public moneys belonging to the county.

A recent opinion of the Attorney General, No. 2194, issued June 25, 1921, in a consideration of the same principle involved, held that a county treasurer accepting Canadian instead of United States money in his fiscal transactions, must bear the loss of any depreciation in such foreign money accepted. A similar conclusion is reached in the consideration of a question involving acceptance of a check by a county treasurer, found in Opinions of the Attorney General, 1917, Vol. I, page 969.

In view, therefore, of such rulings, and in the absence of statutory provision authorizing the acceptance of personal checks covering the amount of the fee chargeable by a county recorder and collectible by him for the services rendered in filing of chattel mortgages, it is assumed that there is no lawful authority supporting the acceptance of a personal check in lieu of the fees provided by law, and that the county recorder is liable to the county in the amount of loss occasioned by the acceptance of such a check as your inquiry indicates.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2806.

APPROVAL, ARTICLES OF INCORPORATION, THE LIBERTY INSURANCE COMPANY, DAYTON, OHIO.

COLUMBUS, OHIO, January 20, 1922.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—The articles of incorporation of the Liberty Insurance Company, of Dayton, Ohio, are herewith returned to you with my approval endorsed thereon.

Respectfully,

JOHN G. PRICE,
Attorney-General.