

It will be observed that said partial abstract shows the Christian name of Mrs Gribling prior to the last court proceeding to be "Neotia," and from said date said name appears "Neosho," the latter appearing in her signature to said deeds. In as much as a written statement has been received from A. S. Beach, abstracter, and attorney in said court proceedings, to the effect that he has personal knowledge that "Neotis" Gribling and "Neosho" Gribling is one and the same person, it is not believed that this irregularity constitutes a serious objection.

While this opinion does not purport to make any holdings relative to the efficiency of the title to said premises acquired March 29, 1883, by George H. Gribling and John F. Gribling, it may be said that the title to said premises since said date as shown by said partial abstract seems to have been continuously in the name of said George H. Gribling and John F. Gribling and their successors in title.

Therefore, it will be seen that if said premises were in the continuous possession of said George H. Gribling and John F. Gribling and their successors to the exclusion of all other persons from the date of said conveyance, namely, March 29, 1883, this would operate as a bar to all claims and interest in said premises arising prior to said date.

I am returning herewith said abstract and deeds.

Respectfully,  
JOHN G. PRICE,  
Attorney General.

952.

STATE BOARD OF EMBALMING EXAMINERS—RECIPROCAL APPLICATION BLANK CONSIDERED—THE WORDS "SUBJECTS" AND "REQUIREMENTS" IN STATUTES DISCUSSED.

1. The word "subjects" found in that part of section 1343-1 G. C. which says "substantially the same subjects and requirements demanded by the board of this state," has reference to the subjects mentioned in section 1341 G. C. The term "requirements" also found in said phrase means the qualifications demanded by section 1342 G. C. of the Ohio applicant for an embalmer's license.

2. In view of the character of the "requirements" mentioned in section 1342 G. C., it is impossible to give a strict literal construction to that part of section 1343-1 G. C. which says: "who shall have been examined \* \* \* on substantially the same subjects and requirements demanded by the board of this state." Said language must be taken to mean: "who shall have been examined \* \* \* on substantially the same subjects, and who shall possess substantially the same qualifications demanded by the board of this state \* \* \*"

3. In respect of non-resident applicant's examination on "subjects," the Ohio state board of embalming examiners, pursuant to the provisions of section 1343-1 G. C. receives its information from the certified statement of the board which granted the original license in the foreign state, the grade and result of such examination appearing from such statement. But in respect of the non-resident applicant's compliance with the "requirements" demanded by the Ohio embalming laws, the Ohio state board of embalming examiners has the right to make its own inquiries in any way deemed appropriate for such purpose.

4. The Ohio state board of embalming examiners has the right, under section 1343-1

*G. C., to add to the reciprocal blank submitted with the letter of inquiry, the additions referred to in said letter.*

COLUMBUS, OHIO, January 19, 1920.

*State Board of Embalming Examiners, Columbus, Ohio.*

GENTLEMEN:—Acknowledgment is made of your recent letter, reading thus:

“You will please find enclosed a copy of a reciprocal application blank that was adopted by this board some time ago and although this form is all that is necessary in the majority of cases yet in the case of reciprocal relations being established with the state of Kentucky such other additions as follows should be added to this form, so the requirements of Kentucky will be on a parity with those of Ohio.

(1) Applicants must have embalmed (arterially) not less than twenty-five (25) dead adult human bodies.

(2) Applicants must be of legal age and must have had such general education as would admit them to a high school in the state of Ohio.

We therefore respectfully ask if we have the legal right under section 1343-1 of the General Code to add these additions to the reciprocal blank submitted.”

Section 1343-1 G. C. (107 O. L. 658), to which you refer, says:

“The state board of embalming examiners may grant without examination an embalmer's license to a duly licensed embalmer of another state, who shall have been examined by a regular board of embalming examiners on substantially the same subjects and requirements demanded by the board of this state, and shall have obtained an average grade of not less than seventy-five per cent. in such examination. Such license shall be known as a reciprocal license, applications for which shall be made on a form containing a certified statement from the board which granted the original license in the other state, stating the grade and result of examination. Each applicant for a reciprocal license shall pay a license fee of twenty-five dollars, which shall accompany the application for such license. Such reciprocal license shall be renewed annually upon payment of a renewal fee of one dollar as provided above.”

This section is the only section of the General Code which directly describes the conditions under which reciprocity with other states in the matter of embalmers' licenses may be entered into. That the granting of reciprocal licenses under this section is optional and not mandatory, is the holding of a former opinion of this department (1917 Opin. of Atty. Gen., Vol. II, p. 1029).

Whatever faults the section just quoted may possess, it is certain that it cannot be criticised for undue length or profuseness of detail. In fact, its brevity is the cause of some difficulty in one's effort to ascertain a satisfactory answer to the question put by your letter.

Perhaps the best way to approach our task of construing this section is first to consider certain other sections of H. B. No. 224, 107 O. L. 654 (the so-called embalming law), with a view of ascertaining what qualifications must be possessed by residents of Ohio desiring to become licensed embalmers. Particularly is this desirable in view of the language found in section 1343-1 G. C., to the effect that the duly licensed embalmer of another state shall have been examined by a regular board of embalming examiners—

"on substantially the same subjects and requirements demanded by the board of this state."

Section 1341 and 1342 G. C. read as follows:

"Section 1341. For use in the examination of persons who desire to engage in the practice of embalming and the preparation and disposal of the dead in this state, the state board of embalming examiners shall prepare a list of questions on the following subjects:

- (a) Visceral anatomy and vascular system of the human body.
- (b) The action and comparative value of germicides.
- (c) The methods of embalming and of preparing bodies for transportation.
- (d) The meaning of 'contagion,' 'infection,' the dangers they beget, and the best methods of their restriction and arrest, and bacteriology in relation to contagion and infection.
- (e) The signs of death and the manner in which they are determined.
- (f) Practical demonstrations on a cadaver.

Section 1342 (107 O. L. 656). Every person desiring to engage in the practice of embalming or the preparation of the dead for burial, cremation or transportation in the state of Ohio, shall make a written application to the state board of embalming examiners for registration, giving such information as the said board may, by regulation, require for such registration. Each application must be accompanied by a fee of one dollar with the certificates of three reputable citizens (one of whom shall be a licensed embalmer), that the proposed applicant is of good moral character and stating his age and general education which shall be such as to entitle him or her to admittance to high school. If the said board shall find the facts set forth in the application to be true, the said board shall issue to said applicant a certificate of registration. Before a registered applicant can apply for and take an examination in the practice of embalming or preparing for burial, cremation or transportation, the body of any dead person in the state of Ohio, said applicant shall have completed to the satisfaction and approval of the said board, a course consisting of at least twenty-six weeks of studies in the science of embalming, disinfection and sanitation in a regular school of embalming, recognized by said board, or shall have had at least two years of practical experience under a licensed embalmer in this state, during which time he or she shall have embalmed (arterially), at least twenty-five dead adult human bodies. All applications for a license to practice embalming and the preparation of the dead for burial, cremation or transportation in this state, must be made to the state board of embalming examiners in writing and contain the name, age, residence and the person or persons with whom employed, the name of the school attended together with a certificate from two reputable citizens that the applicant is of legal age and of good moral character, also a certificate under oath when required by the said board from the president or dean of the embalming school or college he or she has attended, that the applicant has complied with the requirements of said school or college or a certificate under oath, when required by said board, from the licensed embalmer under whom he or she has worked as an apprentice that he or she has complied with the requirements of apprenticeship as set forth in this section. Each application must be accompanied by a fee of ten dollars and the certificate of registration. If after the state board of embalming examiners are satisfied that the applicant has qualified as set forth in this section, the said board shall cause the said

applicant to appear before them and be examined in the subjects as set forth in the preceding section and he must pass said examination with an average grade of not less than seventy-five per cent."

Having in mind the provisions of the sections just above quoted, we are in a position to understand what the legislature meant when it used, in section 1343-1 G. C., the words "substantially the same subjects and requirements demanded by the board of this state." The term "subjects" refers, it would seem, to the subjects mentioned in section 1341 G. C., and the term "requirements" to the qualifications demanded of the Ohio applicant by section 1342 G. C.

In view, however, of the character of the "requirements" mentioned in section 1342 G. C., it seems impossible to give a strict literal construction to that part of section 1343-1 G. C. which refers to an examination "on substantially the same subjects and requirements demanded by the board of this state." For, some of said requirements are not capable of being made the subject of an examination of the kind described by section 1343-1 G. C.; that is, an examination having a "grade and result." How, for instance, could a board of embalming examiners examine a man as to his moral character, or age, and give him a grade in connection with such an examination?

In fact, it may be said generally that no formal examination by the board of embalming examiners is contemplated with reference to any of the "requirements" mentioned in section 1342 G. C. The applicant is to have had a certain amount of education, but does not have to pass an examination to show that fact. He must also have had pre-examination training, either in an embalming school or by way of apprenticeship, but no examination is to be had to show that fact. All these things are but conditions precedent to the right of the applicant to take an examination on the *subjects* mentioned in section 1341 G. C., and that examination is the only one he need take in order to qualify for an embalmer's license.

What the legislature had in mind in using in section 1343-1 G. C. the words:

"who shall have been examined \* \* \* on substantially the same subjects and requirements demanded by the board of this state \* \* \*."

was, in my judgment this: To require the applicant for a reciprocal license in Ohio to have been examined by a regular board of embalming examiners in the foreign state on substantially the same subjects as are mentioned in section 1341 G. C. and further to require him to possess, at the time he makes application for a reciprocal license, *substantially the same qualifications* demanded by the Ohio board of embalming examiners, to-wit, those mentioned in section 1342 G. C. In other words, in order to give effect to the intent of the legislature the provisions of section 1343-1 G. C. just quoted should be understood to mean:

"who shall have been examined \* \* \* on substantially the same subjects and who shall possess substantially the same qualifications demanded by the board of this state \* \* \*."

It is thought that section 1343-1 G. C., when read as just indicated, becomes a workable section. In respect of the non-resident applicant's examination on "subjects," your board will receive its information from the certified statement of the board which granted the original license in the other state, the grade and result of such examination appearing from such statement. But in respect of the non-resident applicant's compliance with the "requirements" demanded by the Ohio laws, your board has the right to make its own inquiries in any way deemed appropriate for such purpose.

The matters mentioned in your letter which you wish to add to your application blanks used for reciprocity with Kentucky are all in the nature of "requirements" under section 1342 G. C. No objection is seen to your making such additions to such blanks. Your question is therefore answered in the affirmative.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

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953.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENT IN  
FULTON COUNTY, OHIO.

COLUMBUS, OHIO, January 20, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

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954.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN ASH-  
LAND COUNTY, OHIO.

COLUMBUS, OHIO, January 21, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

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955.

APPROVAL, DEFICIENCY BONDS, WASHINGTON CITY SCHOOL DIS-  
TRICT, FAYETTE COUNTY, OHIO.

COLUMBUS, OHIO, January 21, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

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956.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN HAN-  
COCK COUNTY, OHIO.

COLUMBUS, OHIO, January 23, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*