

951.

APPROVAL, PARTIAL ABSTRACT OF TITLE TO PREMISES IN RICHLAND COUNTY, ONE HUNDRED AND SIXTY AND THREE-FOURTHS ACRES OF LAND, CONVEYED BY NEOSHO GRIBLING TO STATE OF OHIO.

COLUMBUS, OHIO, January 19, 1920.

The Ohio Board of Administration, Columbus, Ohio.

GENTLEMEN:—An examination has been made of a partial abstract certified by A. S. Beach, abstracter, December 18, 1919, submitted by you with reference to the following described premises:

“Being part of the southeast quarter of section number four (4) and the northeast quarter of section No. nine (9) in township number twenty-one (21) and range eighteen (18) in the county of Richland and state of Ohio and more particularly described as follows, viz.: Commencing at a point on the east line of said section four (4), 41 rods north of the southeast corner thereof: thence west parallel with the south line of said section 4, one hundred and sixty and one-sixth ($160\frac{1}{6}$) rods to the west line of the southeast quarter of said section four (4): thence south and with the west line of said southeast quarter of said section four (4) and said northeast quarter of said section nine (9), one hundred and sixty and three-fourths ($160\frac{3}{4}$) rods to a stake in the west line of said northeast quarter: thence east parallel with the north line of said section nine (9), one hundred and sixty (160) rods to the east line of said section nine (9): thence north by and with the east line of said section nine (9) and four (4), one hundred and sixty and three-fourths ($160\frac{3}{4}$) rods to the place of beginning, containing one hundred and sixty and three-fourths acres of land, more or less.”

This partial abstract shows that said premises were conveyed to George H. Gribling and John F. Gribling by Lewis Faust, executor of the estate of Ann Marie Gribling, March 29, 1883, under authority of the will of said Ann Maria Gribling.

Said partial abstract further shows that George H. Gribling later acquired the three-fourths interest in said premises, and Neosho, his wife, acquired the one-fourth interest. At the death of George H. Gribling, it appears that his wife, Neosho, was appointed administratrix of his estate, and by a court proceeding which seems regular, said three-fourths interest in said premises was sold at public sale by order of the court November 8, 1919, to the Ohio State Reformatory free of the dower and homestead rights of said widow, Neosho Gribling, which sale was duly confirmed and deed ordered made to said purchaser.

The record of said court proceedings as set forth in said abstract shows that all claims and liens against said premises, including the taxes for the year 1919 were ordered paid from the proceeds of said sale, and mortgages ordered cancelled of record when paid.

An examination has been made of the deed submitted for consideration, executed December 11, 1919, by Neosho Gribling as administratrix of the estate of George H. Gribling, deceased, which it is believed is sufficient to convey the three fourths interest in said premises of said decedent to the state of Ohio when properly stamped and delivered.

Also an examination has been made of the deed executed December 12, 1919, by Neosho Gribling to the state of Ohio, which is sufficient to convey her one fourth interest in said premises when properly stamped and delivered.

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, abstractor, 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.

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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