

elapsed since the last due date as mentioned in the mortgage, or as computed from information contained in the mortgage and the mortgage had not been refiled as provided in the latter part of Section 8546-2, General Code, a bona fide purchaser, mortgagee or other person without notice dealing with the land would not, in my opinion, be required to look beyond the facts as they appear on the record.

Answering your questions specifically, it is my opinion that the twenty-one year period of limitations set out in Section 8546-2, General Code, begins to run in the case of a mortgage securing an installment loan from the last due date of the loan as the same may be computed from the terms of the mortgage as it appears on record. It is further my opinion that the same rule applies where such installment mortgage contains a provision for acceleration of the due date of the loan in case of default in one or more of the installment payments, where the mortgage does not upon such default proceed to enforce the terms of the mortgage but permits the mortgagor to continue to make the regular payments after such default.

Respectfully,
EDWARD C. TURNER,
Attorney General.

456.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN
PREBLE COUNTY, I. C. H. NO. 1.

COLUMBUS, OHIO, May 6, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

457.

INHERITANCE TAX—HOUSE BILL NO. 484, MR. SULLIVAN, 87th.
GENERAL ASSEMBLY, DISCUSSED.

SYLLABUS:

1. Terms "estate tax" and "inheritance tax" interchangeable and specie of the genus death duties.
2. No constitutional objection to imposing additional inheritance tax in the wording of Federal estate tax as supplement to our present inheritance tax law and for purpose of taking advantage of Federal Revenue Act of 1926.
3. Section 7 of Article XII, Ohio Constitution, is an express authority for the graduation of death duties.
4. Exemptions from death duties can be made only within the limitations of Section 7 of Article XII.
5. Any taxes collected under Substitute House Bill 484 must be apportioned in conformity with Section 9 of Article XII, Ohio Constitution.
6. Legislature may lawfully discriminate between resident and non-resident decedents so long as non-resident is not charged more than resident.
7. Substitute House Bill 484 should contain its own machinery for arriving at net estate and should not attempt to adopt the regulations of the Commissioner of Internal Revenue.
8. Substitute House Bill 484 should adopt the present machinery for the collection of inheritance taxes and disposition of revenues.