

*“Taxes on real property within this state which were a lien at the death of the transferor.”* (Our italics.)

Acts of 1931, pp. 195-196.

(Note: The italicized portion is literary paragraph number three.)

The above language of the Act should be construed with reference to the underlying basis for the deduction. It will be noted that in the opening sentence above quoted, it is stated that “In determining the value of property transferred” certain deductions are to be allowed, among which is the deduction of taxes on the real property within the state which were a lien on the property transferred at the death of the transferor. The total taxes in this case were a lien on the entire property consisting of the undivided interest transferred and the undivided interest which already belonged to the beneficiary. They were no more a lien upon the undivided one-half of the decedent than they were a lien upon the undivided one-half already belonging to the beneficiary. The value of the one-half transferred would not be diminished by the total taxes except upon the theory of the owner of the undivided one-half transferred paying the taxes which really should be paid by the beneficiary on account of her one-half owned before the transfer.

I do not think the statute should be so construed and in my opinion when the real basis for the deduction is considered, it must be held that the beneficiary would not be entitled to a deduction of the entire taxes against the property, but would be entitled to a deduction of one-half thereof.

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**FINANCIAL INSTITUTIONS, DEPARTMENT OF: Retail  
Installment Sales Act—whether licensees may purchase  
contracts at less than unpaid balance.**

October 2, 1937.

Hon. R. A. McKinley,  
Director, Department of Financial Institutions,  
State House,  
Indianapolis, Indiana.

Dear Mr. McKinley:

I have before me your letter of September 28, 1937, requesting an official opinion interpreting sections 10 and 15 (d) of

the Retail Installment Sales Act of 1935. Replying, I desire to refer you to the official opinion of my predecessor under date September 28, 1936, addressed to you, in which opinion I concur.

See Opinions of Attorney General, 1936, p. 365.

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**PHARMACY, BOARD OF: Right of person to take examination for registration under section 1, chapter 93, Acts of 1937. Evidence necessary to establish when apprenticeship began; sufficiency of affidavit.**

October 6, 1937.

Mr. Russell B. Rothrock,  
Secretary Indiana Board of Pharmacy,  
307 State House,  
Indianapolis, Indiana.

Dear Sir:

I acknowledge receipt of your letter of October 5, 1937, requesting an official opinion on the following question:

“We ask that you give us a written opinion as to whether or not we are legally within our rights in accepting an affidavit of experience as an amendment or rather a correction of an application for apprentice registration filed by an applicant in 1924 in which it showed that his experience as an apprentice started in 1934, but which he, the applicant, claims is an error as it should show the time he started to work for a former employer in 1919, who had failed to register the employee as an apprentice.

“Can we legally grant this applicant the right to take our examination on the affidavit showing experience prior to January 1, 1920.”

You refer me to section 1, chapter 93, Acts 1937, which states as follows:

“That any pharmacist apprentice whose apprenticeship began prior to the first day of January, 1920, and whose certificate as a pharmacist apprentice was issued prior to July 1, 1924, shall be eligible to take the examination to become a registered pharmacist, at any time prior to the first day of January, 1930, if such