

sonal estate in the hands of the executor and proper deductions from the value of that estate for the purpose of determining inheritance tax. As to what is and is not "reasonable" no very definite standard exists, but the station in life of the testator, his religious beliefs and the like may, in the opinion of this department, be taken into account as criteria by which to determine the question of reasonableness. The presumption is that the amount or quantity of mortuary services and the like specified by the testator is reasonable, though this presumption may be refuted.

Morrow vs. Durant, 130 Iowa 437.

Though the question is a new one, this department is of opinion that no distinction can be drawn between a direction of the kind quoted in the Commission's letter and one of the other kind last above mentioned; they all have to do with charging the estate of the testator with expenditures on account of conformation to customs and beliefs which the civilization and religious faith of the decedent and his community inculcated in him. It could be argued, of course, that all rites and ceremonies connected with the burial of the dead are superfluous and unnecessary and that a man's creditors and his successors should not be deprived of any part of his estate because of such expenditures. The law, however, allows for such beliefs and customs so long as the expenditures are in accord with them and are not extravagant and unreasonable.

On the other hand, it is equally clear that much depends upon the way in which the testator provides for such things. A bequest to a builder of monuments in consideration of a monument to be erected would, on principles laid down in former opinions, be taxable as a specific bequest; so also, a bequest to a cemetery corporation, unless it constitutes an institution of purely public charity. But a direction to the executor to do those things which are customarily done after the death of the testator to fulfill the dictates of the conscience and faith of the testator and conform to the customs of civilized society may be made the predicate of a deduction. The cases have drawn the line here.

For the foregoing reasons, it is the opinion of this department that reasonable expenses incurred by an executor under a direction such as that quoted in the Commission's letter would be proper deductions from the value of the personal estate of the testator for inheritance tax purposes.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2781.

APPROVAL, CERTIFICATE OF AMENDMENT TO ARTICLES OF INCORPORATION OF THE UNION MUTUAL INSURANCE COMPANY, HAMILTON, OHIO.

COLUMBUS, OHIO, January 12, 1922.

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

DEAR SIR:—I return herewith to you the certificate of amendment to the articles of incorporation of The Union Mutual Insurance Company of Hamilton, Ohio, with my approval endorsed thereon.

Respectfully,
JOHN G. PRICE,
Attorney-General.