

of said advertisement, the court, or master appointed by the court for that purpose, will hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof."

If the absence has been for seven or more years, proceedings may be instituted in accordance with Section 10509-25, supra, and if a legal presumption of death is made out, and a decree entered by the probate court of the county in which the action is instituted, the bank, in the case of deposits made by the inmates themselves, could turn the amount on deposit over to the personal representative of the presumed decedent.

Likewise, in the case of deposits made by the superintendent as trustee, if the inmate is presumed dead, upon the death of the beneficiary the object of the trust having been entirely fulfilled, the trust is terminated, and the trustee is then at liberty to withdraw the money on deposit and turn the same over to the personal representative of the presumed decedent. However, in the event the person presumed dead leaves no next of kin, the money on deposit in either instance would go to the state of Ohio.

Therefore, in specific answer to your question, I am of the opinion that if the absence of the inmates has been for seven or more years, the only manner in which the accounts referred to in your letter could be closed, would be by proceedings under Section 10509-25, et seq., General Code, which, when completed, would authorize the money to be distributed according to the last will and testament of the inmate or under the intestate laws of Ohio; however, if the absence has been for a lesser period than seven years, nothing can be done to close said accounts.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3054.

APPROVAL, AMENDED ARTICLES OF INCORPORATION OF THE
MONARCH FIRE INSURANCE COMPANY.

COLUMBUS, OHIO, August 18, 1934.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I have examined the amended articles of incorporation of the Monarch Fire Insurance Company and finding the same not to be inconsistent with the laws or Constitution of the United States or of the State of Ohio, I am endorsing my approval thereon.

Respectfully,
JOHN W. BRICKER,
Attorney General.