

Under this class of policies it has been held that where several persons are designated as co-beneficiaries of the proceeds of one certificate without limitation or qualification, and one or more of those designated as beneficiary predeceases the member, those who survive him take the entire fund.

Royal League v. Shields, 159 Ill. App., 54, affirmed by the
Supreme Court, 251 Ill., 250, 36 L. R. A. (N. S.) 208;
Brooklyn Masonic Relief Association v. Hanson, 53 Hun,
149, 6 N. Y. S., 161.

It has been held in this state that where a life insurance policy was made payable to the insured's wife, and in case of her death during the lifetime of the insured to her children, and the wife predeceased the insured, leaving three children surviving one of whom also predeceased the insured but left a child surviving, the policy was paid to the two surviving children of the insured to the exclusion of both the administrator and the child of the deceased child.

22 Ohio Jur., 425;
Frank v. Bauman, 54 O. S., 621.

I am therefore of the opinion that the accumulated contributions of the said Charles E. Thorne should be paid to the daughter, Bessie Thorne Brooks.

Respectfully,
JOHN W. BRICKER,
Attorney General.

5416.

DISAPPROVAL—APPLICATION FOR REDUCTION OF CURRENT AND DELINQUENT RENTALS ON RESERVOIR LAND LEASE AT INDIAN LAKE, LOGAN COUNTY, OHIO—S. L. WILGUS.

COLUMBUS, OHIO, April 27, 1936.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of a recent communication from the Conservation Division of the Department of Agriculture, which communication is over the signature of the Chief of the Bureau of Inland Lakes and Parks and with which there is submitted for my examination and approval an application made by one S. L. Wilgus for

a reduction in the amount of current and delinquent rentals on a reservoir land lease which was executed on December 3, 1931, in and by which there was leased and demised to said S. L. Wilgus and Dorothy R. Wilgus for swimming pool and board walk purposes a parcel of reservoir land located at Indian Lake and which is more particularly described in the application for the reductions above noted.

The application for the reductions therein requested of the current and delinquent rentals on the lease above referred to now held by S. L. Wilgus was filed with you under the provisions of House Bill No. 467 enacted by the 90th General Assembly under date of June 30, 1933, 115 O. L., 512. Section 3 of this act, which has been carried into the General Code as section 478-3, designates the several matters and things which an application of this kind must contain; and, among other things, this section specifically provides that the application shall set forth "the reasons why the rental thereon should be revised, and such other information pertaining thereto, as will be helpful in determining a fair amount of rental that should be paid for the ensuing year." Inasmuch as by section 2 of this act (sec. 478-2, G. C.) adjustments made with respect to back rentals are to be made in the same manner as adjustments of current rentals are made under this act, the provisions of section 3 of the act, above referred to, requiring the applicant to set forth the reasons for the revision of current rentals likewise apply as to the application with respect to back rentals when a reduction or revision in the amount of such rentals is therein requested.

Upon examination of the application filed by S. L. Wilgus for the reductions in the amounts of the current and delinquent rentals under this lease, it is noted that no reasons whatever are given by the applicant for the reductions requested by him in this application. And although this application has been acted upon by you and you have made an order reducing the current rental from the sum of \$450 to the sum of \$200, and you have likewise by this order reduced the amount of back rentals under the lease from the sum of \$450 to the sum of \$200, I am unable to approve this application or the finding upon the same made by you as Conservation Commissioner for the reason above stated. The provision in section 3 of this act which requires the applicant to give his reasons for the reduction or reductions requested by him are obviously mandatory and since in this case no reasons have been given by the applicant for the reductions requested in the application, I do not feel that I have any discretion in the matter and for the reasons above stated the application and your finding thereon are hereby disapproved. The application and finding above referred to, as well as the duplicate and triplicate copies thereof, are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.