

the jurisdiction, be made a party to the suit and served with process therein."

In an opinion of the Attorney General, reported in Opinions of the Attorney General for 1930, volume II, page 1163, the then Attorney General had under consideration a similar clause, to section 2 of the bond form under consideration, appearing in a building and loan association bond. After quoting the provisions of section 11226, General Code, and the clause in the building and loan association bond, the opinion states:

"The above provision of the contract does not, in my opinion, afford to persons who suffer loss on account of a failure of the officers or employes of a building and loan association to faithfully perform their duties, the protection which the law contemplates with respect to the time of bringing actions for the recovery of such loss if bonds had been given by the officers and employes strictly in accordance with the statute.

* * *

The last sentence of the quotation from the contract above wherein it is provided that if any limitation embodied in the bond is prohibited by any law, such limitation should be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law, does not, in my opinion, suffice to cure the discrepancy between the terms of the contract and what the law required. This subject was discussed in my former opinion (Opinions of Attorney General for 1929, Vol. II, Page 888), to which your attention is directed."

In view of the above authorities, I am forced to return the bond form, together with all papers connected therewith, without my approval endorsed thereon.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2211.

APPROVAL, BONDS OF CITY OF SHAKER HEIGHTS, CUYAHOGA COUNTY, OHIO—\$4,500.00.

COLUMBUS, OHIO, January 24, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2212.

APPROVAL, BONDS OF CITY OF SHAKER HEIGHTS, CUYAHOGA COUNTY, OHIO—\$2,867.00.

COLUMBUS, OHIO, January 24, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.