

In the third place, section 10933 is of later enactment than section 9648, and the established rule is that in case of conflict between two sections the one last enacted in point of time must prevail. That there is conflict follows from the conclusion last above expressed, which is that paragraph 7 of section 10933 is intended to be exclusive.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

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2571.

APPROVAL, BONDS OF CITY OF SPRINGFIELD, OHIO, IN AMOUNT OF \$10,642.50 FOR CONSTRUCTION OF SEWERS.

COLUMBUS, OHIO, November 14, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2572.

APPROVAL, BONDS OF BARBERTON CITY SCHOOL DISTRICT, SUMMIT COUNTY, OHIO, IN AMOUNT OF \$59,000.

COLUMBUS, OHIO, November 14, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2573.

DISAPPROVAL, DEFICIENCY BONDS, HOLLOWAY VILLAGE SCHOOL DISTRICT, BELMONT COUNTY, OHIO, IN AMOUNT OF \$7,385.

COLUMBUS, OHIO, November 14, 1921.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

Re: Deficiency bonds, Holloway Village School District, Belmont county, Ohio, in the amount of \$7,385, being 1 bond of \$385 and 7 bonds of \$1,000 each—6 per cent.

GENTLEMEN:—It appears from the transcript that the bonds above indicated were issued under authority of House Bill No. 254, passed by the last general assembly for the purpose of funding deficiencies. Sections 2 and 3 of said act are as follows:

“Section 2. The board of education of a subdivision by resolution, may direct the clerk of the subdivision to make up a financial state-

ment of such subdivision as of the 1st day of March, 1921. Such clerk shall immediately make up and file such statement with the president of the board of education of the subdivision. Such statement shall contain:

1. Balance outstanding to the credit or debit of the several funds excepting sinking funds, on the books of the subdivision on March 1st, 1921.

2. A showing in detail of the outstanding unfunded indebtedness of such subdivision on March 1st, 1921, whether represented by notes, other certificates of indebtedness, accounts payable or otherwise with the dates of maturity thereon.

3. An estimate of the amount necessary to provide for the fixed charges and current expenses of the subdivision for the year ending July 1, 1921, including obligations for such 'Fixed Charges' and 'Current Expenses' incurred prior to March 1st, 1921, and payable within the then current fiscal year.

4. The amount of taxes estimated to come into the treasury of such subdivision during the remainder of the year ending July 1, 1921, and applicable to the purposes of such year.

If such clerk finds there is a deficiency existing in the funds of the subdivision, he shall certify the amount thereof, under oath on such statement.

Section 3. Thereupon the board of education by resolution passed by an affirmative vote of two-thirds of all their members, elected or appointed, shall determine whether or not such deficiency exists, and the amount thereof, which shall not be greater than that certified to it by the clerk, and may issue and sell bonds of the subdivision in the amount so determined, for the purpose of funding the deficiency of the subdivision."

From the provisions of the law above quoted, it is clear that before the board of education is authorized to issue bonds they must have been first prepared and filed with the board the financial statement provided for in said section 2.

The transcript shows that the board of education by resolution passed August 25, 1921, directed the clerk to prepare a statement stating the financial obligations, and that thereafter on the 27th day of August, 1921, the clerk did submit a financial statement, but this statement failed to contain the information required by the provisions of section 2 of the law above quoted. It follows that the board of education was without authority to authorize the issuance of bonds upon the 20th day of September, 1921, which was the date of the adoption of the bond resolution.

I am therefore unable to approve the validity of the bonds and advise your commission not to purchase the same.

The transcript is faulty in other particulars, but in view of the defect in the proceedings referred to, it would be of no avail at this time to attempt to correct or supplement the transcript.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*