

Ohio St., 305, 107 N. E., 768, and cases therein cited, in which this court construed Section 3, Article XVIII, of the Constitution, with reference to the powers thereby conferred upon cities. That decision clearly held that power such as exercised in the instant case was conferred upon the city by Section 3, Article XVIII, of the Constitution. This court has several times since approved and followed that decision."

From the foregoing, it must be concluded that the language of the amended bill in no wise violates any of the provisions of the Constitution. In the event a charter city adopts provisions different from the general law upon the subject of civil service the general law will yield to such municipal regulation. It further is my opinion that there is no apparent conflict between Sections 486-17a and 486-17b or any other provisions of the civil service law. Section 486-17a provides for the tenure of office and the removal for certain specific causes. Section 486-17b, provides for layoffs in the police and fire departments for causes other than those mentioned in Section 486-17a. It is believed that said sections may be clearly harmonized and easily applied, which is the test of whether or not the sections are in conflict. In this connection, it might be pointed out that there is a well known rule of construction, to the effect that in the absence of other things, indicating a different intent, an inconsistent provision which is later in its position in the act, will control over a section occupying a former position.

In view of the foregoing, it is my opinion that amended House Bill No. 250 does not violate any provisions of the constitution. It is my further opinion that Section 486-17b is not in conflict with Section 486-17a, or any other provisions of the civil service laws. It follows of course, that the amended bill will not interfere with the home rule legislation in charter cities upon the subject.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3031.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN WYANDOT COUNTY, OHIO.

COLUMBUS, OHIO, March 9, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3032.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, March 9, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*