

and having concluded that the legislature, in the Hughes and Griswold acts, did abolish the municipal boards, it would seem that the employes of such board are by that act of abolition without an employer and their employment is by operation of law terminated.

As pointed out in the former opinion, the effect of the repeal of a statute, in the absence of saving provisions, has the effect of blotting out the repealed statute as if it had never existed and putting an end to all proceedings under it.

It is said in 29 Cyc., 1396:

“Where an office is created by a statute, the term of which is * * * during good behavior, the officer holds only so long as the statute remains in force. (Citing 1 Dana [Ky.] 447.)”

Other authorities may be cited, but it is deemed sufficient to state that the abolition of the board, having the power of employment under statute, automatically terminates terms of employments and appointments by said board.

The recent decision in *Elyria vs. Vandemark*, decided by the supreme court September 9, 1919, is pertinent. Consistent with earlier decisions of that court, the supreme court in the *Elyria* case holds that there can be no de facto officer in Ohio without a de jure office. This principle taken in connection with the legislative policy fixed in section 486-16 as amended in 106 O. L. 411 (civil service act) where it is provided that

“* * * whenever any permanent office or position in the classified service is abolished or made unnecessary, the person holding such office or position shall be placed by the commission at the head of an appropriate eligible list, and for a period of not to exceed one year shall be certified to an appointing officer as in the case of original appointments,”

plainly discloses the legislative intent in such cases, and the conclusion must be reached that, no saving clause existing in the Griswold act, the terms of appointees and employes of the old municipal health boards are by operation of law terminated.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1038.

APPROVAL, BONDS OF GRAND PRAIRIE TOWNSHIP RURAL SCHOOL DISTRICT, MARION COUNTY, OHIO, IN AMOUNT OF \$9,000.00.

Industrial Commission of Ohio, Columbus, Ohio.

COLUMBUS, OHIO, February 27, 1920.

1039.

APPROVAL, BOND OF TRACEY S. BRINDLE, CHIEF ENGINEER, STATE HIGHWAY DEPARTMENT, IN SUM OF \$5,000.00—THE AETNA CASUALTY AND SURETY COMPANY, SURETY.

COLUMBUS, OHIO, February 27, 1920.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am transmitting herewith bond in the sum of \$5,000.00 of Tracey