

From this language it is evident that the legislative power which is exercised by the people is of the same nature as that which the people have granted to the legislature, and that in contemplation of the constitution the action of the people in proposing a law or in ratifying one at a referendum election has the same effect as the action of the general assembly in passing a law.

Section 3513-23, General Code, provides that the powers conferred upon municipalities by the Constitution of Ohio or by the General Assembly, shall be exercised by the council of the municipality unless such powers have been conferred on some other authority, or reserved to the people.

Section 4227-2 provides that any ordinance or other measure passed by the council shall be subject to referendum for a period of thirty days after such passage. In the absence of anything in the statute to the contrary, we must assume that this right of referendum reserved to the people of a municipality is of the same nature as the right of referendum reserved to the people of the state by the Constitution, and we must therefore conclude that when the people of a municipality have initiated an ordinance which has become law, it is of the same character as though it had been adopted by the council of that municipality. The repeal or amendment of laws is an exercise of legislative power and legislative power once vested is absolute, except as specifically restricted.

"The power of the executive and judicial department in a state government is a grant, not a limitation, while the powers of the legislative department are absolute, except as restricted and limited by the constitution."

12 Corpus Juris, 804.

"The power to amend and repeal legislation as well as to enact it is also vested in the legislature." * * *

12 Corpus Juris, 806.

The conclusion therefore is that an initiated ordinance does not differ in any particular in force and effect or in manner of repeal from an ordinance adopted by the city council and may be repealed by the city council. The action of the council in repealing such ordinance is, of course, subject to referendum under the provisions of section 4227-2.

Respectfully,

C. C. CRABBE,

Attorney General.

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APPROVAL, BONDS OF SMITH RURAL SCHOOL DISTRICT, MAHONING COUNTY, \$7,000.00, TO CONSTRUCT SUITABLE ADDITION TO PRESENT BANDY'S SCHOOL AND EQUIP SAME.

COLUMBUS, OHIO, July 19, 1923.