

1493.

APPROVAL, NOTES OF JEFFERSON VILLAGE SCHOOL DISTRICT,
ASHTABULA COUNTY—\$150,000.00.

COLUMBUS, OHIO, February 5, 1930.

Retirement Board State Teachers Retirement System, Columbus, Ohio.

1494.

SPECIAL CONSTABLE—MAY NOT BE APPOINTED BY A JUSTICE OF
THE PEACE WHEN REGULAR CONSTABLES ARE INACTIVE BY
REASON OF PRIVATE BUSINESS.

SYLLABUS:

Under the provisions of Section 3331, paragraph 4, a justice of the peace may appoint a special constable when the duly elected and qualified constables are unable to perform the duties of their office by reason of the pressure of official business, but cannot make such appointment when the regularly elected and qualified constables are unable to perform their duties because of the pressure of their private business.

COLUMBUS, OHIO, February 5, 1930.

HON. LEE D. ANDREWS, *Prosecuting Attorney, Ironton, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date which is as follows:

“I wish to submit to you the following facts and questions:

FACTS.

A justice of the peace in a certain township in this county desires to appoint a special constable to work on prohibition cases. The regular and duly elected constables in this township are interested in private pursuits and therefore are more or less inactive in official matters. He wishes to appoint such a special constable to work regularly out of his office and contends that he can do so under Section 3331, Part 4, which reads as follows:

‘A justice of the peace may appoint a constable or constables * * *:

When, from the pressure of official business, the constables therein are not able to perform the duties required by the office.’

There are many liquor violations in this county and especially in this township and there is no question as to a need for such an officer.

Question: Can such an officer be appointed under this section of the General Code, or any other section?”

Special constables can only be appointed under the terms of Section 3331 of the General Code. This section, so far as pertinent to your inquiry, reads as follows:

“A justice of the peace may appoint a constable or constables for a