

"No provision is made by statute that police justices may only hold court within the limits of the township for which they were appointed, but on the contrary it is provided that they may have jurisdiction in misdemeanor prosecutions co-extensive with the county in which the village is located. The legislature having placed a limitation upon the location where a justice of the peace may hold court in civil cases, it will be presumed that the legislative intent on this subject was exhausted and that it was not intended to place a like limitation in criminal cases. This rule was followed in the case of *Steele vs. Karb, Sheriff*, 78 O. S. 376. In that case it was held that a justice of the peace has authority to hear and dispose of a criminal case outside of the township for which he is elected and in which he resides, in those cases where his jurisdiction is co-extensive with the county, and no possible reason is perceived why a different rule should be made for a police justice who also had jurisdiction co-extensive with the county. The case of *Steele vs. Karb, Sheriff*, will therefore be followed."

Summarizing and answering your questions specifically, it is my opinion that:

1. Any justice of the peace duly elected in any township of Stark County, Ohio, has jurisdiction in criminal cases throughout the county in which he is elected and where he resides, and his authority to hear and determine a criminal case in the manner prescribed by law, is not limited to the township for which he is elected and where he resides.

2. An affidavit in a criminal case may be made and filed before any justice of the peace duly elected in any township of Stark County, Ohio, in any township in such county and such justice may issue a warrant in such township, regardless of whether or not it be the township in which such justice of the peace was elected and where he resides.

This opinion is confined to the specific questions submitted with reference to Stark County. The various municipal court acts of the state differs in their terms, and each particular act must be examined before attempting to apply the conclusions reached in an opinion relating to the municipal court of one city to that of another.

Respectfully,

EDWARD C. TURNER,
Attorney General.

1666.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN
MAHONING COUNTY.

COLUMBUS, OHIO, February 3, 1928.

HON. GEORGE F. SCHLESINGER, *Director, Department of Highways and Public Works,*
Columbus, Ohio.