

proposals, etc. Such use of said funds, however, may only be made in the event that the Controlling Board consents thereto. In all such cases it will of course be necessary to obtain the certificate of the Director of Finance and the approval of the Attorney General except in cases involving less than \$3,000.00 where the approval of the Attorney General is not mandatory.

2. Under said act, if in the discretion of the Controlling Board it is advisable, it may require a new proceeding to be instituted and new proposals to be obtained.

Respectfully,

GILBERT BETTMAN,
Attorney General.

135.

CONSTABLE—AUTHORITY TO PATROL HIGHWAYS WITHIN HIS COUNTY.

SYLLABUS:

A duly elected or appointed constable has authority, in the performance of his duties to patrol the highways in any township in his county by virtue of the authority and power granted to him by Sections 3340 and 3345, General Code.

COLUMBUS, OHIO, February 28, 1929.

HON. RUPERT R. BEETHAM, *State Prohibition Commissioner, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of February 21, 1929, in which you request an opinion as to the following question:

“Does a constable have the right to leave his township and patrol highways in another township?”

In answer to your inquiry, your attention is directed to Sections 3340 and 3345 of the General Code, which sections define the general powers and duties of a constable. Section 3340, General Code, is as follows:

“Each constable shall apprehend, on view or warrant, and bring to justice, all felons, disturbers and violators of the criminal laws of this State, and suppress all riots, affrays, and unlawful assemblies, which may come to his knowledge, and, generally, keep the peace in his proper county.”

Section 3345, General Code, is as follows:

“Constables shall be ministerial officers of the courts held by justices of the peace, in criminal cases, within their respective counties. They shall apprehend and bring to justice felons and disturbers of the peace, suppress riots, and keep and preserve the peace within their respective counties. They may execute all writs and process in criminal cases throughout the county in which they reside, and in which they were elected or appointed. If a person charged with the commission of a crime or offense, flees from justice, any constable of the county wherein such crime or offense was committed, shall pursue and arrest such fugitive from justice, in any other county of the state, and convey such fugitive before any justice of the peace of the county where such crime or offense was committed.”

This statute clearly gives to constables the authority to apprehend and bring to justice felons, disturbers of the peace and violators of the laws of the State, to suppress riots and keep and preserve the peace within *their respective counties*.

A constable appointed by a justice of the peace for a special purpose, by virtue of Section 3331, General Code, has the same authority as other constables in regard to carrying out the special purpose for which he is appointed.

Answering your inquiry specifically, I am of the opinion that a constable has the authority in the performance of his duties, as defined by Sections 3340 and 3345 General Code, to patrol the highways in any township in his county.

Respectfully,

GILBERT BETTMAN,
Attorney General.

136.

APPROVAL, BONDS OF VILLAGE OF WESTERVILLE, FRANKLIN COUNTY—
\$10,000.00.

COLUMBUS, OHIO, February 28, 1929.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

137.

PROPERTY OWNERS—IMPROVEMENT ON MUNICIPAL STREETS—
MEANING OF THREE-FOURTHS IN INTEREST—WHAT INCLUDED
IN FRONTAGE.

SYLLABUS:

1. *The provisions of Section 3836, General Code, to the effect that three-fourths in interest of the property owners may petition for an improvement of a street, alley, or highway in a municipal corporation refers to three-fourths in number of the owners of property to be assessed and has no reference to the value of the property owned by such petitioners.*

2. *The provisions of Section 3836, General Code, to the effect that 60% of the foot frontage of property abutting upon a street may petition for an improvement of a street, alley, or highway in a municipal corporation refers to all the frontage of property abutting upon a street sought to be improved irrespective of whether or not a portion of such abutting property may be made up of corner lots which may front on a street other than the one to be improved and which may have a depth in excess of their frontage.*

COLUMBUS, OHIO, March 1, 1929.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This is to acknowledge receipt of your letter of recent date which is as follows:

“The pertinent part of Section 3836, General Code, as amended in 112 O. L., page 206, reads: