

In the body of the opinion last mentioned the following is stated:

"A special constable can only be appointed under paragraph 4 of Section 3331 of the General Code in a civil or criminal case then pending. Created by special appointment and for a special purpose in a civil or criminal case, a memorandum whereof is on the docket of the justice, such appointee is a 'special constable' only while acting in pursuance thereof. He is not clothed with the powers of a constable except for such 'special purpose.' A distinct and separate appointment is essential for each special purpose wherein his services are necessary, either in a civil or criminal case and the justice of the peace must make a memorandum of each such special purpose on his docket. Such special constables have no authority to serve warrants or to make arrests by virtue of their special appointment, except in the particular case in which they are appointed a 'special constable.' When the duties of his appointment have been performed his appointment as a 'special constable' automatically terminates."

Applying the principles announced in the foregoing opinions, impels the conclusion that the powers of a special constable appointed under the provisions of section 3331 of the General Code are limited to the particular case in which he is so appointed and such an officer does not have the general powers of a regularly elected or appointed constable.

It follows, therefore, that a special constable may not be appointed for the general purpose of patrolling the public highways.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3575.

APPROVAL, BONDS OF MONTGOMERY COUNTY, OHIO—\$28,000.00

COLUMBUS, OHIO, September 15, 1931.

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

3576.

APPROVAL, BONDS OF CITY OF BEXLEY, FRANKLIN COUNTY,
OHIO—\$29,000.00.

COLUMBUS, OHIO, September 15, 1931.

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