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## CONSTABLE'S PARAPHERNALIA—TOWNSHIP TRUSTEES HAVE NO AUTHORITY TO USE TOWNSHIP FUNDS IN THE PURCHASE OF.

## SYLLABUS:

*Township trustees have no authority to purchase with township funds badges, revolvers, maces or handcuffs for constables.*

COLUMBUS, OHIO, December 12, 1930.

HON. JOHN K. SAWYERS, JR., *Prosecuting Attorney, Woodsfield, Ohio.*

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

"I desire your opinion upon the following matter. It seems as though township trustees in the past in this county as a matter of practice, when called upon so to do, have furnished constables duly elected or appointed in said townships, with a revolver, a mace, a pair of handcuffs and a badge.

The question that I desire your opinion upon is whether or not said townships are legally justified in so equipping said constables. In other words, may or must the townships equip their constables with the above articles to enable them to perform their duties incident to the making of arrests in criminal cases?

I understand that the Bureau of Inspection and Supervision of Public Offices has rather held that said expenditures on the part of said township trustees are illegal and have been making findings for recovery of same. Inasmuch as certain townships have recently ordered equipment of the above matter for constables and inasmuch as one board of township trustees has asked for my opinion in the matter, I respectfully request your advices in the premises."

Article X, Section 5 of the Constitution of Ohio, provides that no money shall be drawn from any county or township treasury except by authority of law. It follows from this constitutional provision that unless some authority of law exists for the payment from township funds for the articles enumerated in your letter, such expenditures can not be made.

Township trustees are vested with only such powers as have been expressly granted by statute, and therefore, in the administration of township affairs they are limited to such powers as are expressly granted, and those implied powers necessary to carry into effect those expressly granted.

From an examination of the statutes of Ohio relating to the authority of township trustees to expend township funds, I am unable to find that they have any authority, express or implied, to expend township funds for the purchase of badges, revolvers, maces or handcuffs for constables.

Therefore, in specific answer to your inquiry, I am of the opinion that township trustees have no authority to purchase with township funds badges, revolvers, maces or handcuffs for constables.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*