

DOG LICENSE LAW: Any constable in the county may enforce the dog license law.

January 6, 1939

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Honorable Edward V. Long  
Prosecuting Attorney  
Pike County  
Bowling Green, Missouri

Dear Sir:

We have your letter of January 3, 1939, requesting an opinion from this department, which reads as follows:

"In several townships in this County there are no Constables and there is no one who will serve if appointed. In view of that situation what arrangement can be made for the enforcement of the dog license law which was recently approved in this County."

Section 11516, R. S. Mo. 1929, reads as follows:

"Every sheriff shall be a conservator of the peace within his county, and shall cause all offenders against law, in his view, to enter into recognizance, with security, to keep the peace and to appear at the next term of the circuit court of the county, and to commit to jail in case of failure to give such recognizance. In any emergency the sheriff shall appoint sworn deputies, who shall be residents of the county, possessing all the qualifications of sheriff. Such deputies shall serve not exceeding thirty days, and shall possess all the powers and perform all the duties of deputy sheriffs, with like responsibilities, and for their services shall receive two dollars per day, to be paid out of the county treasury."

It will be noticed by this section that the sheriff of any county is the conservator of the peace and has the same jurisdiction as a constable.

Section 11756, R. S. Mo. 1929, reads as follows:

"Constables may serve warrants, writs of attachments, subpoenas and all other process, both civil and criminal, and exercise all other authority conferred upon them by law throughout their respective counties."

It will be noticed by this section that constables may serve either civil or criminal process throughout their respective counties.

You mentioned in your request that no constables have been appointed in several of the townships and for that reason the dog license law can not be enforced.

CONCLUSION

In view of the above authorities set out, it is the opinion of this department that the sheriff may enforce the dog license law or any constable in the whole county can enforce the dog license law in any township located in the whole county.

Respectfully submitted

W. J. BURKE  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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