JUSTICE OF THE PEACE: Number to be elected annually.

July 11, 1938

Honorable Emil F. Helmendach
County Clerk
Franklin County
Union, Missouri

Dear Sir:

    We have your request for an opinion, as follows:

> "In Franklin County we have two
> townships in which the number of
> Justices of the Peace to be elected
> is in question.
>
> First, there is Union Township which
> consists of a good deal of rural
> territory and in which there is a
> city of more than 2000 population.
>
> Second, there is Washington Township
> which is also the City of Washington
> containing approximately 6000
> population. Said township includes
> no territory outside the corporate
> limits of the city.
>
> The question is: How many Justices
> of the Peace are the two aforesaid
> townships to elect? Are they permitted
> to elect just two justices or may they
> elect an additional justice?"

Article VI, Section 37, Missouri Constitution, provides that the number of justices of the peace may be regulated by law.

Section 2136 R. S. Missouri 1929, provides in part as follows:

> "Every municipal township, except as
> otherwise provided by law, shall be
> entitled to two justices of the peace,
> * * *; but in case there shall be in
> any such township an incorporated town
> or city having a population of over
> 2000 inhabitants and less than 100,000
> inhabitants, said town or city shall be
> entitled to one additional justice of
> the peace* * *".

It is therefore apparent that Washington Township in your county, which includes the City of Washington with a population of approximately 6000 inhabitants is entitled to three justices of the peace. All townships are entitled to a minimum of two justices of the peace.

It is therefore the opinion of this office that all townships should be permitted to elect two justices of the peace, and in all townships where there is a city of over 2000 inhabitants and less than 100,000 inhabitants three justices of the peace should be elected.

Respectfully submitted,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

FER:MM