

JUSTICES OF THE PEACE: The term of office for a justice of
TERM OF OFFICE: the peace in counties under township
TOWNSHIP ORGANIZATION: organization is two years.

January 12, 1943

Hon. H. A. Kelso
Prosecuting Attorney
Nevada, Missouri



Dear Sir:

This is in reply to yours of recent date wherein you submit the following question:

"Section 2525, R. S. Missouri provides that the term of office of a Justice of the Peace shall be for four years. Section 13945 provides that in counties under township organization the officers, including justices, shall be elected at the biennial election.

"It would seem to me that the latter section would prevail but I have been requested by one of the justices of the peace of this county to obtain an opinion on this subject from your office."

Section 2525, R. S. Mo. 1939, to which you refer in your letter, provides that justices of the peace shall be elected at the general election for a term of four years. This is a general section under Justices of the Peace.

Section 13945, R. S. Mo. 1939, to which you refer in your letter, is a special act pertaining to officers in counties under township organization. This act provides that certain township officers, including justices of the peace, shall be elected biennially.

Under Section 37, of Article VI of the Constitution, it is provided as follows:

"In each county there shall be appointed, or elected, as many justices of the peace as the public good may require, whose powers, duties and duration in office shall be regulated by law."

It will be noted that this section provides that the duration of the term of such justice shall be regulated by law.

Under Section 1 of Article IV of the Constitution the legislative power, subject to the limitations of the Constitution, is vested in the Senate and House of Representatives. Under this section the General Assembly would have authority to fix the terms of justices of the peace in various counties.

The classification of officers in counties under township organization is not an unreasonable classification and would not be in violation of any of the provisions of the Federal Constitution.

In *Collins v. Twellman*, 126 S. W. (2d) 231, the court announced and applied the rule that "Where one of two conflicting statutes must prevail the special statute, all else being equal, must take precedence over the general law." Applying that principle here, Section 13945, supra, which would be classed as a special statute applicable to officers in counties under township organization, would take precedence over Section 2525, supra, which is a general statute applicable to justices of the peace.

CONCLUSION

From the foregoing it is the opinion of this department that the term of office of justices of the peace in counties

Hon. H. A. Kelso

-3-

1-12-43

under township organization is two years.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney-General

APPROVED:

ROY MCKITTRICK
Attorney-General

TWB:CP