

June 16, 1934.

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Senator W. L. Hixson,  
Ozark, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"At a regular session of the County Court held in Ozark, Missouri today there were a number of representative citizens present and they asked the County Court to provide the sheriff with the necessary firearms, so that he would and his deputies would have an equal break with desperadoes who are infesting the Ozark Hills.

It was the opinion of the committee assembled that the sheriff should be provided with a machine gun and some other equipment.

The County Clerk claims that under the budget plan as we are now run they have no money available for this purpose.

It is needless for me to explain to you how very necessary this class of equipment is. Bandits ride into a town and terrorize the citizens and shoot their way out. Our officers are as brave as the average but they stand no chance against this sort of thing. What I desire to know is this, is there some way to buy this equipment under this budget plan?"

We note from your inquiry that the County Court claims they have no money now available to purchase firearms for the Sheriff. You, of course, are familiar with the provisions of the County Budget Act, Laws of Missouri 1933, pages 340-351, inclusive. A quotation of these sections would serve no useful purpose.

This Act is now in force and all expenditures

made by the County Court must be made pursuant to the provisions of that Statute. We do not know of any way to make expenditures for any purpose except under the provisions of the Statute. The County Court being charged with the responsibility of pro-rating and expending the County revenue under this Budget Act they naturally are the ones who know whether or not there are funds available to make the expenditure in question.

Since they are of the opinion that they have no funds at this time which can be used for the purpose of purchasing firearms, we know of no way that such purchase can legally be made without circumventing the provisions of the Act. No doubt as soon as the County Court can legally make an expenditure for this purpose under the provisions of the Budget Act they will do so.

Very truly yours,

FRANK W. HAYES,  
Assistant Attorney General.

APPROVED:

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ROY McKITTRICK,  
Attorney General.

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