

MINNESOTA STATUTES 1953 ANNOTATIONS

382.265 COUNTY OFFICERS

1032

382.265 CLERK HIRE IN CERTAIN COUNTIES

HISTORY. 1939 c 319 s 1; 1945 c 338 s 1.

Statute authorizing county board to appropriate not to exceed \$720 per year to provide clerk hire for county attorney is permissive and not mandatory, and no appeal will lie from action of county board in allowing or refusing to allow clerk hire for county attorney's office. The right to appeal is statutory. *Wallace v County Board of Commissioners*, 227 M 212, 35 NW(2d) 343.

On an appeal from the county board to the district court, as provided in this section, the statute intends that the court determine whether the amount of money for clerk hire allowed by the board is sufficient. OAG Feb. 25, 1953 (104-A-3).

382.27 REIMBURSEMENT OF PEACE OFFICERS

The county is without authority to indemnify a deputy sheriff for a loss resulting from the accidental breaking of his eye glasses by a prisoner resisting an officer while being returned to a cell in the jail. OAG Sept. 26, 1951 (390-A-4).

382.28 JUSTICES AND CONSTABLES

HISTORY. RS 1851 c 7 s 11; PS 1858 c 1 s 261; 1860 c 15 s 30; GS 1866 c 8 s 108; GS 1878 c 8 s 122; GS 1894 s 694; RL 1905 s 445; MS 1927 s 776.

382.29 PAYMENT, CERTAIN EXPENSES

HISTORY. 1951 c 322 s 1, 2.

A county officer attending an annual convention may be reimbursed for his actual and necessary expenses in the amount of his traveling costs actually paid to a common carrier, plus other expenses not exceeding \$25. OAG May 17, 1951 (1210-A-8).

CHAPTER 383

COUNTIES OVER 150,000

383.01 ESTIMATES OF EXPENSE AND REVENUE

Laws 1947, Chapter 457, Section 2, permitted the county board of Ramsey county to appropriate not to exceed \$11,000 per annum for the expense of automobiles for the sheriff's office. The county board may not override the maximum limit of expenditure fixed by the legislature, and additional money may not be appropriated to the sheriff under section 383.02 in excess of this maximum. When an alternative arises between a county ceasing to perform its functions or levying a tax in excess of the statutory limit, the county must levy the tax necessary to enable it to perform its absolute duties. A county must carry out the functions imposed upon it by law notwithstanding the expense thereof may exceed the statutory limitations. The county board may appropriate money to the sheriff from any moneys subject to transfer by it, provided that it determines that there exist conditions prerequisite to the appropriation as above set forth. OAG Nov. 12, 1948 (390-A-7).

383.09 MAXIMUM TAX RATE

The maximum that Hennepin county may levy annually for road and bridge purposes is specified in Laws 1947, Chapter 434, which provides that such levy shall not exceed ten mills on the dollar of the taxable valuation of the county. OAG Sept. 23, 1948 (519-K).