

1977 WL 37210 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 3, 1977

*1 The Honorable Thomas E. Smith, Jr.
State Senator
Box 308
Pamplico, South Carolina 29583

Dear Tom:

Your letter of December 9, 1976, concerns the submission of the name of J. D. Collins to succeed S. Russell Floyd, Jr., who, I understand, is a magistrate for Florence County. I am not advised whether he was the Judge of the Courts of Limited Jurisdiction which formerly existed in Florence County. Act No. R-655 of 1976 repealed Article 2, Chapter 18 of Title 15 of the 1962 Code of Laws. That statutory provision provided for the creation of the Florence County Courts of Limited Jurisdiction. An amendment in 1973 did not have specific reference to the chapter and article of the Code but amended some or all of the section contained in it and which related to the Florence County Courts of Limited Jurisdiction. The title to the repealing Act of 1976 recites its purpose to repeal Article 2, Chapter 18 of Title 15 relating to the Florence County Courts of Limited Jurisdiction.

The effect of this, in my opinion, is to eliminate the Florence County Courts of Limited Jurisdiction, effective on the date of the repealing Act of 1976.

Mr. Floyd, according to the records of the Secretary of State, is a magistrate of Florence County, and unless he was a Judge of the Courts of Limited Jurisdiction, the repeal of the Act establishing that Court would not have affected him. If he was a Judge of such a Court, the abolition of the Courts would have eliminated his position also.

I assume that Mr. Floyd is a magistrate in the ordinary sense and there is no restriction as to being an attorney in that regard with respect to magistrates.

My letter to you dated March 25, 1976, was issued prior to the effective date of the repealing Act which abolished the Courts of Limited Jurisdiction.

Very truly yours,

Daniel R. McLeod
Attorney General

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