

1976 S.C. Op. Atty. Gen. 344 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4484, 1976 WL 23101

Office of the Attorney General

State of South Carolina

Opinion No. 4484

October 11, 1976

*1 Senator Harris P. Smith
P. O. Box 68
Easley, South Carolina 29640

Dear Senator Smith:

In connection with Mr. McLeod's October 6, 1976, letter to you concerning the method by which the disposition and/or amount of civil fees received by magistrates can be altered, my opinion is that Act No. 283 of 1975, the 'home rule' legislation, does not provide such a method. Nowhere in its provisions that I can find is there any grant of authority to a county council to affect in any way the functioning of magistrate courts, with the exception of the language of Section 14-3703(14) thereof. Indeed, Article V, § 23 of the South Carolina Constitution contemplates that the General Assembly continue to regulate magistrates presumably as part of the unified judicial system. See, e.g., Art. VII, § 4 of Act No. 690 of 1976. Any alteration in the disposition and/or amount of civil fees received by magistrates must be done by legislation and, most probably, by general law.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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