

1975 WL 29045 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1975

*1 Mrs. Pearl S. Kirby
Clerk of Court
Union, SC 29379

Dear Mrs. Kirby:

Mr. Goolsby has referred your letter of July 29 to me. It appears that Section 43-116 of the 1962 Code of Laws provides that the sheriff must place eighteen names in the box for the magistrate's jury. The jury box for the circuit courts, of course, contains the names of at least two-thirds of the voters in the county. Section 43-116 is the only section which provides for magistrates' juries, and since it provides for eighteen names only, it must be concluded that there is no statutory authority for use of the circuit court boxes for drawing magistrates' juries. This is unfortunately so even though the circuit court list would be preferable because of the larger number of names on it.

Sincerely yours,

Kenneth P. Woodington
Staff Attorney

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