

The State of South Carolina



Office of the Attorney General

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ATTORNEY GENERAL

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April 21, 1987

The Honorable Thomas A. Limehouse
Member, House of Representatives
308B Blatt Building
Columbia, South Carolina 29211

Dear Representative Limehouse:

Attorney General Medlock has referred your letter of April 16, 1987, to the Opinion Section for response. You requested an opinion as to the authority of the Dorchester County Legislative Delegation to establish the office of Register of Mesne Conveyances for Dorchester County.

This Office has opined previously that the office of register of mesne conveyances for a particular county may be established by amending Section 30-5-10, Code of Laws of South Carolina (1986 Cum. Supp.), to add a particular county as one of the counties excepted therefrom, thus placing the duties prescribed by law for the register of mesne conveyances with a register in that county rather than the clerk of court in that county. See Op. Atty. Gen. dated May 18, 1979 (enclosed), which concluded that Pickens County Council had no authority to create the office of register of mesne conveyances for Pickens County.

Because creation of the office necessarily requires the amendment of general law to create a special exception, only the General Assembly would be so authorized to create the office of register of mesne conveyances for a county. The county's legislative delegation, by itself, could not amend Section 30-5-10 of

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the Code and thus would be without authority to create a register of mesne conveyances.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosure

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions