

1981 WL 157807 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1981

*1 W. C. Coffey, Jr., Esquire
City Attorney
Town of Manning
Post Office Box 546
Manning, South Carolina 29102

Dear Mr. Coffey:

You have asked for an opinion from this office as to whether holding positions as both City Councilman and Master-in-Equity of Clarendon County constitute dual office holding, and is, therefore, in violation of [Article XVII, Section 1A of the South Carolina Constitution](#).

The position of city councilman is an 'office' under the constitutional provision. See, the enclosed opinion, dated June 6, 1979. It is also the opinion of this office that the position of master-in-equity is an office under the dual office holding provision. A 1907 decision defined 'officer' as follows:

One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing and not occasional or intermittent, is a public officer.

[Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907). There is no question but that the position of master-in-equity falls within this definition. The South Carolina Code Sections providing duties and powers of masters-in-equity are attached herewith.

I trust this answers your question. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

James W. Johnson, Jr.
Assistant Attorney General

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