

1979 WL 42803 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 9, 1979

*1 Mr. R. Markley Dennis
P. O. Box 1174
Moncks Corner, South Carolina 29461

Dear Mr. Dennis:

In reference to your question as to where the bond required of magistrates should be filed, the provisions of [Section 22-1-150 of the Code of Laws of South Carolina](#), 1976, as amended, in the opinion of this Office, control. Such section states in part: No person shall be commissioned, nor shall he continue to hold office or be qualified to discharge the duties and exercise the powers of magistrate, until he enters into and files, in the office of the clerk of court of the county in which he is to serve, bond to the State in a sum specified by the governing body of such county.

Those provisions of [Section 8-3-150 of the Code of Laws of South Carolina](#), 1976 concerning recordation and filing of bonds of county officers do not control in this instance inasmuch as [Section 22-1-150](#) specifically provides for such bonds.

As to your remaining question concerning where the bonds of county officers are to be filed, [Section 8-3-150](#) states that the bond of a county officer required to give bond shall be filed in the office of the register of mesne conveyances or if there is no such office in the office of the clerk of court. I am unaware of any statutory provision which mandates that such bonds be filed additionally in the clerk of court's office as well as the office of the register of mesne conveyances in those counties having an office of the register of mesne conveyances.

Therefore, in conclusion, pursuant to [Section 22-1-150](#) the bond of a magistrate is filed in the office of the clerk of court. The bond of a county officer is filed in the office of the register of mesne conveyances in those counties having such an office and as to those which do not, bonds of county officers should be filed in the clerk of court's office.

If there is anything further, do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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