

1977 WL 37246 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 15, 1977

*1 Honorable Jasper M. Cureton
Master in Equity for Richland County
Richland County Courthouse
Washington and Sumter Streets
Columbia, SC 29201

Dear Mr. Cureton:

Your request for an opinion regarding the collection of fees by the Richland County Master in Equity has been referred to me by the Attorney General for reply.

By way of background, portions of three different titles of the Code in some way apply generally to the compensation of masters. These are Title 10, Chapter 19 ('Costs'), Title 15, Chapter 28 ('Masters'), and Title 27 ('Fees and Costs'). Of these, the latter two have special provisions applicable to Richland County; the first (Title 10, Chapter 19) contains no such special provision.

There is no doubt that the Master of Richland County, unlike his counterpart in some counties, is a salaried officer, either through § 15-1813.1 or § 15-1816.1. This change was first made by Act No. 646 of 1932. In 1936, an act (codified in part as § 27-207) was passed which simultaneously provided that the Master should be a salaried officer and also provided for the collection of certain fees by him, such fees to be paid to the County Treasurer (Act No. 955 of 1936, §§ 1, 2 and 5). Part of § 5 of the 1936 Act provided that 'the following schedule of fees is the amount of costs authorized to be taxed and collected in the County of Richland' (Emphasis added). Whatever the similarities and differences between the two terms 'fees' and 'costs' may be, it is clear that this act intended to cover both.

Another statute which might appear on its face to provide an additional fee for references is § 10-1616; however, this is a statute of general application which was in effect long before 1936. It must be assumed that when the General Assembly provided that the 1936 statute (§ 27-207) should be the only schedule of fees and costs for masters in Richland County, it was aware that this would eliminate § 10-1616 as a source of fees for masters within the county. The 1965 amendment to § 27-207 changes only the amount of the fees to be charged in various types of cases.

It is thus the opinion of this Office that § 27-207, as amended, is the only statute which provides for masters' fees in Richland County and that such fees are to be paid to the County Treasurer.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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