

# The State of South Carolina



## Office of the Attorney General

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March 8, 1990

The Honorable Frank Gilbert  
Senator, District No. 30  
513 Gressette Building  
Columbia, South Carolina 29202

Dear Senator Gilbert:

In a letter to this Office you questioned whether special legislation for counties which provided for locations for magistrates has been superseded.

In an opinion of this Office issued March 6, 1990, a copy of which is enclosed, it was stated that Section 22-8-40 of the Code sets forth the manner of determining the number of magistrates in a county but does not provide for the location of any particular magistrate. The opinion further stated

...(f)requently special legislation for particular counties did provide for certain numbers of magistrates to be located in specified areas. See, e.g., Act No. 25 of 1973 as to Florence County Magistrates. This Office in an opinion issued this same date indicated that such special legislation was probably superseded or impliedly repealed by Act No. 678. This would especially be the conclusion for those counties where the number of magistrates is reduced by the ratio formula set forth in Section 22-8-40 from the number provided by special legislation. Of course, we recommended that legislation be considered which would specifically clarify any ambiguities in such regard.

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I am also enclosing another opinion of this Office also issued March 6, 1990. As to your question regarding location of magistrates, the opinion noted that Section 22-2-40 of the Code states that "(t)he General Assembly shall provide for the ...location of magistrates in each county."

If there is anything further, please advise.

Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/nw  
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook  
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