

The State of South Carolina



Office of the Attorney General

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June 21, 1991

The Honorable Ena O. Reed
Clerk of Court
Colleton County
Post Office Box 620
Walterboro, South Carolina 29488

Dear Ms. Reed:

You have requested an opinion of this Office as to procedures regarding the payment of petit jurors. Your letter and our telephone conversation about this matter indicate that your question relates to which official should write the checks for the payment of the jurors. S.C. Code Ann. § 4-1-140 provides as follows concerning these payments:

The fees allowed jurors . . . shall be paid by the treasurers of the respective counties on the presentation to them of certificates signed by the clerk of court . . . 1/ (Emphasis added.)

"Where the terms of a statute are unambiguous, there is no room for interpretation and [they must be applied] according to their literal meaning". South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E.2d 134 (1986). Here, giving §4-1-140 its literal meaning, the fees of jurors should be paid by the Treasurer's actually issuing the checks for the individual jurors. Because these payments are paid by the Treasurer, the statute does not appear to contemplate the Treasurer's transferring a lump sum to other officials for payment. See Bullock, Note 1. In addition, because the statute is more recent and more specific, it should be controlling with respect to earlier, more general provisions for the county supervisors' drawing

1/ The remainder of this provision references another method of the payment of fees by the jurors' using their claims for fees to pay their taxes. See State v. Bullock, 54 S.C. 300, 32 S.E. 424 (1899).

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orders on the County Treasurers. See §4-13-100 and §4-13-110; Yahnis Coastal Inc. v. Stroh Brewery, 295 S.C. 243, 368 S.E. 2d 64, (1988); Criterion Insurance Company v. Hoffman, 258 S.C. 282, 188 S.E.2d 459 (1972).


In conclusion, under §4-1-140, the payment of jurors' fees should be written by the County Treasurers rather than paid by lump sum distribution to the clerks of court. If you need additional information, please let me know.

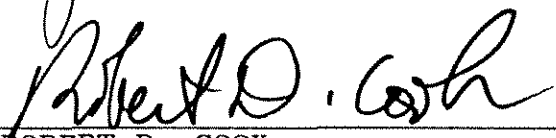
Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

JESjr/rl

REVIEWED AND APPROVED BY


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