

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3970  
FACSIMILE: 803-253-6283

May 4, 1992

The Honorable Tracy Pelt  
Summary Court Judge  
Dillon County Magistrate's Office  
Post Office Box 1016  
Dillon, South Carolina 29536

Dear Magistrate Pelt:

In a letter to this Office you questioned whether the \$1.00 assessment for the Dillon County Law Library should be turned over to the Clerk of Court or the County Treasurer.

You referenced that pursuant to Section 22-1-70 of the Code

All fines and penalties imposed and collected by magistrates in criminal cases must be forthwith turned over by them to the county treasurers of their respective counties for county purposes...

Such general law provision was most recently amended in 1981. Act No. 725 of 1962 which provides for the establishment of a law library in Dillon County states that as to the \$1.00 assessment for the library "...each magistrate in the county shall monthly forward the costs taxed and collected herein to the clerk of court of the county." The clerk is directed to deposit such funds in a bank with such funds being used solely for the law library.

It is generally stated

...statutes of a specific nature are not to be considered as repealed in whole or in part by a later general statute unless there is a direct reference to the former statute or the intent of the legislature to do so is explicitly implied therein.

The Honorable Tracy Pelt  
Page 2  
May 4, 1992

Sharpe v. S.C. Department of Mental Health, 281 S.C. 242,  
315 S.E.2d 112 (1984); Rhodes v. Smith, 273 S.C. 13, 254  
S.E.2d 49 (1979).

In this instance, the provisions of Act No. 725 should probably not be considered as having been repealed by Section 22-1-70. As a result, the \$1.00 assessment for the Dillon County Law Library should continue to be paid to the clerk of court.

With kind regards, I am

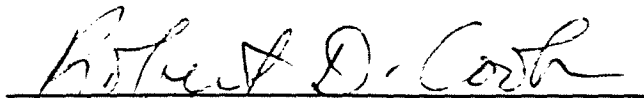
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

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REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Executive Assistant for Opinions