

1981 WL 158083 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 23, 1981

\*1 The Honorable Dewey Wise  
Senator—Charleston & Georgetown Counties  
P. O. Box 142  
Suite 610, Gressette Senate Office Building  
Columbia, South Carolina 29202

Dear Senator Wise:

In a letter to this office you raised a question concerning the appointment of a ministerial magistrate for Charleston County pursuant to [Section 22-2-40, Code of Laws of South Carolina](#), 1976, as amended. In your letter you questioned whether or not an appointment of a ministerial magistrate may be made regardless of the provisions included in Act No. 110 of 1981 which defined the number and location of magistrate for Charleston County. Pursuant to such provision, the General Assembly has provided for fourteen magistrates in Charleston County.

[Section 22-2-40](#), *supra*, provides in part that:

‘(A) The General Assembly shall provide for the number and location of magistrates in each county . . . (B) In each county, a magistrate or magistrates may be designated by the Governor with the advice and consent of the Senate as ministerial magistrates . . .’

In the opinion of this office, pursuant to such referenced provision, the office of ministerial magistrate must be construed as being controlled by any legislation which establishes the number and location of magistrates for a particular county. Therefore, as to the situation in Charleston County, the appointment of a ministerial magistrate must be in keeping with the provisions of the legislation which defines the number and location of magistrates.

If there are any questions, please contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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