

1977 S.C. Op. Atty. Gen. 218 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-283, 1977 WL 24623

Office of the Attorney General

State of South Carolina

Opinion No. 77-283

September 9, 1977

\*1 Honorable T. Ed Garrison

Senator

Anderson, Abbeville and Oconee Counties

Route 2

Anderson, South Carolina 29621

Dear Senator Garrison:

You have requested an opinion from this Office as to whether or not the Anderson County Council has the authority to raise the fees charged by the Anderson County Probate Judge. In my opinion, the Council is not so authorized.

There is no provision in Act No. 283 of 1975, the 'home rule' legislation, of which I am aware that empowers a county council to alter the fees charged by a county probate judge. Moreover, the provisions of Sections 14-23-810 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1976, of Act No. 690 of 1976 [59 STAT. 1859] and of Article V, Section 1 of the South Carolina Constitution of 1895, as amended, indicate that the probate judge's fees are to be established by statute and, most probably, are to be uniform throughout the State.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

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