

1979 WL 43007 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 18, 1979

\*1 Honorable J. F. Griffin  
Pickens County Clerk of Court  
Post Office Box 215  
Pickens, South Carolina 29671

Dear Mr. Griffin:

Pursuant to our conversation yesterday, I am writing to advise you on the procedure which I think should be followed in order to create a register of mesne conveyances separate and apart from the clerk of court in Pickens County. As you know, the clerk of court also functions as the register of mesne conveyances in Pickens County pursuant to [Section 30-5-10, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. That Section provides that the clerk of court is to act as the register of mesne conveyances in all counties of the State except in those counties expressly excluded therefrom. In my opinion, [Section 30-5-10](#) is a general (rather than a special) law which contains special provisions. County governing bodies are not presently empowered to enact ordinances which amend or conflict with general laws nor will they be even after January 1, 1980. Accordingly, the creation of a separate register of mesne conveyances in Pickens County cannot be done by the Pickens County Council. My opinion is that that office can be created as a separate one by amending [Section 30-5-10](#) to add Pickens County as one of the counties expressly exempted therefrom. Such enactment would not violate the 'no laws for a specific county' language of [Article VIII, Section 7 of the South Carolina Constitution](#) because it does not relate to functions, duties or powers reserved to counties [see, [Kleckley v. Pulliam](#), 265 S.C. 177, 217 S.E.2d 217 (1975)] and it would not violate the 'no special law where a general law can be made applicable' language of Article III, Section 34 subdivision ix of the State Constitution because it constitutes a 'special provision in a general law' expressly allowed by Article III, Section 34, subdivision x. See, e.g., [Walker v. Harris](#), 170 S.C. 242, 170 S.E. 270 (1933).

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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