

1979 WL 43076 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1979

\*1 Honorable Isadore E. Lourie  
Box 11548  
Columbia, South Carolina 29201

Dear Senator Lourie:

In a letter to this office you asked whether as a Senator from Richland County you have any authority or input insofar as the selection of magistrates' constables in Richland County is concerned.

Please be advised that as to the appointment of magistrates' constables generally, [Section 22-9-10 of the 1976 Code](#) of Laws states in part:

except as otherwise provided in this Title each magistrate may appoint one person to discharge the duties of constable within the jurisdiction of said magistrate . . . He shall hold his office for the term of two years, subject to removal by the magistrate appointing him . . .' (Emphasis added)

Therefore, pursuant to the above general statute, the power of appointing an individual as constable is given to the individual magistrates.

However, by Act No. 662 of 1932 (37 STAT. 1209 (1932)), it was provided that constables in Richland County were to be: ' . . . appointed by the Magistrates of the various Magisterial Districts herein mentioned as being provided with a Constable, subject to the confirmation and approval of the Richland County Legislative Delegation.'

I am informed that the names of potential constable appointees are routinely provided for approval by the delegation prior to their appointment. As to which magistrates may appoint constables, Act No. 526 of 1969 (56 STAT. 895 (1969)) provides in part that 'Magistrates may appoint such salaried constables and constables without pay as are authorized by the County Council of Richland County.'

Furthermore, with regard to the above-referenced statutes, no inference should be drawn as to any finding by this office as to their constitutionality. If there are any further questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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