

1978 S.C. Op. Atty. Gen. 49 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-32, 1978 WL 22516

Office of the Attorney General

State of South Carolina

Opinion No. 78-32

February 16, 1978

*1 TO: Mr. Ted B. Wyndham
Recorder for the City of Greenwood

QUESTION:

Does a city recorder have jurisdiction to hear ejection and distress warrant hearings similar to that of the magistrate court?

STATUTES INVOLVED:

[Section 14-25-970, 1976 Code of Laws of South Carolina;](#)

[Section 22-3-10\(10\), 1976 Code of Laws of South Carolina;](#)

[Sections 27-37-10, et seq., 1976 Code of Laws of South Carolina;](#)

[Sections 27-39-210, et seq., 1976 Code of Laws of South Carolina.](#)

DISCUSSION:

You have asked whether or not a city recorder has jurisdiction to hear ejection and distress warrant proceedings similar to that of the magistrate court. It is out opinion that he does not have jurisdiction in such matters.

[Section 22-3-10\(10\) of the 1976 Code](#) provides that magistrates shall have civil jurisdiction, *inter alia*, 'in all matters between landlord and tenant and the possession of land as provided in Chapters 33 to 41 of Title 27.'

[Sections 27-37-10, et seq.](#), contain the procedure in this State for ejectment of tenants. [Sections 27-39-210, et seq.](#), provides for the collection of rent by distraint. Both of those sections contemplate jurisdiction of the magistrate courts presumably in accordance with [Section 22-3-10\(10\)](#).

[Section 14-25-970](#) establishes the jurisdiction of municipal courts generally. That section is silent as to ejectment and distress proceedings which presently are vested in the magistrate courts, as previously noted. Since the municipal courts do not have the same power in civil matters as the magistrate courts, it must be concluded that they have no jurisdiction in civil matters where no express statutory provision has been made for them to exercise jurisdiction. See Ops. Att'y. Gen. dated June 28, 1977. No such provision is known to exist at this time.

CONCLUSION:

Therefore, it is the opinion of this Office that a city recorder does not have jurisdiction to hear ejection and distress proceedings.

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