

1978 WL 34724 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 28, 1978

*1 Mr. Lucius T. Martin
Town Clerk
Post Office Box 428
Swansea, SC 29160

Dear Mr. Martin:

In response to your request to this Office as to the authority of mayors to preside over criminal cases where there is no recorder, please be informed that [Section 14-25-10, Code of Laws of South Carolina](#), 1976 provides as follows:

The intendants or mayors of the cities and towns of this State shall have all the power and authority of magistrates in criminal cases within the corporate limits and police jurisdiction of their respective cities and towns and shall especially have the power and authority to try speedily all offenders against the ordinances or laws of the city or town in a summary manner and without a jury, unless demanded by the accused. A mayor or intendant pro tempore shall have the same powers.

In addition, the 'home rule' act further provides in part that the mayor or municipal judge or judges of any municipality shall speedily try all persons charged with violations of the ordinances of the municipality or the laws of the State within their jurisdiction in a summary manner without a jury unless jury trial is demanded by the accused. [Section 5-7-90, Code of Laws of South Carolina](#), 1976.

Therefore, there is statutory authority in this State for mayors to preside over criminal matters properly brought before them as above indicated. This is especially appropriate for the Town of Swansea since you have indicated that Swansea has a population of approximately seven hundred people. Due to its limited population, the Town would not be statutorily authorized to establish a municipal court presided over by a recorder. [Section 14-25-910, Code of Laws of South Carolina](#), 1976, states that a city with a population of at least one thousand may establish a municipal court which would be, as provided in other sections, presided over by a recorder.

If there is anything further, do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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