

1978 S.C. Op. Att'y. Gen. 221 (S.C.A.G.), 1978 S.C. Op. Att'y. Gen. No. 78-196, 1978 WL 22664

Office of the Attorney General

State of South Carolina

Opinion No. 78-196

November 16, 1978

***1 SUBJECT: Courts, Fees.**

The marriage license fee collected by the probate court shall go into the general fund of the county.

To: E. P. Riley, Esquire
Attorney at Law

QUESTION:

Does the marriage license fee collected by the probate judge go into the general fund of the county or to the school district(s) within that county?

AUTHORITIES:

1. [§ 14-23-1060, CODE OF LAWS OF SOUTH CAROLINA](#), 1976.
2. [§ 23-1-370, CODE OF LAWS OF SOUTH CAROLINA](#), 1976.
3. [Garey v. City of Myrtle Beach](#), 263 S.C. 247, 209 S.E.2d 893 (1974).
4. 2A SUTHERLAND'S STATUTORY CONSTRUCTION § 51.02.

DISCUSSION:

The statute creating the Unified Probate Court System provides that ' . . . all fees and other statutory revenues collected by the probate court in each county shall be the property of such county.' [§ 14-23-1060, CODE OF LAWS OF SOUTH CAROLINA](#), 1976. Whether the sum collected by the probate court in this instance is designated as a fee or not, it is in any event a 'statutory revenue collected by the probate court.' Therefore, pursuant to [§ 14-23-1060, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, it becomes the property of the county.

It is unclear from this statute whether the legislature actually intended to deny the school districts a source of revenue which they previously enjoyed pursuant to [§ 23-1-370, CODE OF LAWS OF SOUTH CAROLINA](#), 1976. Nonetheless, the Unified Probate Court System statute provides that this revenue collected 'shall be the property of the county.' The sum collected could not be the property of both the county and the school district. This conflict between the two statutes must be resolved in favor of the most recent enactment by the legislature. [Garey v. City of Myrtle Beach](#), 263 S.C. 247, 209 S.E.2d 893 (1974), 2A SUTHERLAND'S STATUTORY CONSTRUCTION § 51.02.

CONCLUSION:

Therefore, it is our opinion that the marriage license fee collected by the probate court be paid into the general fund of the county.

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