

1975 WL 28875 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 30, 1975

\*1 Honorable Hyman Rubin  
State Senator  
Box 5506  
Columbia, South Carolina 29250

Dear Senator Rubin:

The office of master in Richland County is provided for by Code Section 15-1801, Code of Laws, 1962. Section 15-1811 provides:

‘In case of a vacancy in the office of master—the court or a judge thereof may appoint a special master in any case, who shall as to such case be clothed with all the powers of a master.’

Section 1-121 of the Code of Laws for 1962 provides that:

‘Any vacancies which may happen in any of the following offices during the recess of the Senate may be filled by the Governor, who shall report the appointment to the Senate at its next session:

‘. . . (4) Masters;

‘. . . If the Senate does not advise and consent thereto at such next session, the office shall be vacant.’

It is my opinion that the last section set forth above controls and that the Governor has authority to fill a vacancy which may occur in the office of master if it occurs during a recess of the Senate. If such appointment is made, the Senate may confirm at its next session, but if it does not, the office again becomes vacant at the end of the next session of the Senate. The basis therefor, considering that Section 1-121 controls, is that it appears to be the last enacted statute and was the most recently amended statute.

With best wishes,  
Cordially,

Daniel R. McLeod  
Attorney General

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