

1975 S.C. Op. Atty. Gen. 264 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4224, 1975 WL 22521

Office of the Attorney General

State of South Carolina

Opinion No. 4224

December 29, 1975

\*1 Municipalities are not empowered to offer rewards for the apprehension of offenders against criminal laws of the State, unless a statutory or charter provision expressly so provides.

TO: City Manager  
Walterboro, South Carolina

QUESTION PRESENTED:

Whether the City of Walterboro may offer a reward of \$50, more or less, for information leading to the arrest and conviction of persons carrying concealed weapons?

LEGAL AUTHORITIES:

77 CJS Rewards §§ 11, 36;

67 Am.Jur.2d Rewards § 3;

6 McQuillin Mun. Corp. (3rd Ed.) § 24.47;

[McKenzie vs. City of Florence](#), 108 SE2d 825, 234 SC 428;

[Madry vs. Town of Scotland Neck](#), 199 SE 618, 214 NC 461;

[Barrett vs. Atlanta](#), 89 SE 781, 145 GA 678;

Section 55–358, Code of Laws of South Carolina, 1962.

DISCUSSION:

The three legal encyclopedias cited above all state the conclusion set forth in the syllabus hereinabove. The controlling principle is that municipalities have and can exercise only such powers as are granted in express words or those necessarily or fairly implied in or incident to powers expressly conferred, or those essential to accomplishment of declared objects and purposes of the municipal corporation. See McKenzie vs. City of Florence.

Code Section 55–358 authorizes the Director of the State prison system to offer a reward of \$25 for the capture of convicted convicts. However, the undersigned is unaware of any state statute that would expressly empower the municipality to offer the reward here in question, although you may wish to review the Walterboro Charter provisions.

While there are apparently no South Carolina cases in point, the North Carolina and Georgia cases cited above are directly in point with the conclusion stated in this opinion.

The situation might differ were a reward offered by a municipality in response to a peculiarly local threat to the general welfare.

CONCLUSION:

The conclusion is therefore, as stated in the syllabus hereinabove.

Edward E. Poliakoff  
Assistant Attorney General

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