

1974 WL 27640 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 21, 1974

**\*1 Re: No. 162—Judicial**

Honorable Henry Franklin Floyd  
Member  
House of Representatives  
The State House  
Columbia, South Carolina

Dear Mr. Floyd:

You have requested that we advise you as to whether or not the General Assembly may confer upon the Courts of Common Pleas and General Sessions of Pickens County, South Carolina, concurrent jurisdiction with the Supreme Court of South Carolina to entertain appeals from the Civil and Criminal Court of Pickens County. See CODE OF LAWS OF SOUTH CAROLINA, §§ 15-1657 (Cum.Supp.) (1962).

The General Assembly may create courts of appellate jurisdiction to the extent that the State Constitution permits or does not prohibit; and it may control the jurisdiction of established appellate courts. 21 C.J.S. Courts § 129 at 195. When not prohibited by the State Constitution, the General Assembly may confer concurrent appellate jurisdiction on courts other than the Supreme Court.

Our research does not reveal any constitutional provision which, in our judgment, would restrict the legislature's power to create courts possessing appellate jurisdiction. Nor have we discovered any constitutional provision which would prohibit the General Assembly from conferring concurrent appellate jurisdiction on the Court of General Sessions involving appeals from inferior courts in criminal cases. Cf., S.C. CONST. art. V, § 18 (1895); However, we do not believe that the General Assembly could validly confer concurrent appellate jurisdiction on the Court of Common Pleas, where appeals are made from inferior courts in civil cases. Article V, Section 15 of the State Constitution provides in part: [The Courts of Common Pleas] shall have appellate jurisdiction in all cases within the jurisdiction of inferior Courts, except from such inferior Courts from which the General Assembly shall provide an appeal directly to the Supreme Court.

We interpret this provision to mean that when the General Assembly has provided for a direct appeal to the Supreme Court from the judgment of an inferior court, the Court of Common Pleas may not be vested by the General Assembly with concurrent appellate jurisdiction. See [Strickland v. Seaboard A.L. Ry. Co.](#), 112 S.C. 67, 98 S.E. 853 (1919). Consequently, we have concluded that the General Assembly may confer concurrent appellate jurisdiction only upon the Court of General Sessions where appeals are taken from the Pickens County Civil and Criminal Court in criminal cases.

The opinion herein expressed, it should be noted, is made without any consideration being given to the recently adopted local government amendment and the judicial reform amendment to the State Constitution. See 58 STAT. Act No. 63 at 67, and Act No. 132 at 161 (1973).

Sincerely,

C. Tolbert Goolsby, Jr.  
Deputy Attorney General

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