

1973 WL 26660 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 14, 1973

\*1 Honorable Albert L. Kleckley  
Member  
House of Representatives  
Box 683  
Ridgeland, South Carolina 29936

Dear Mr. Kleckley:

You have inquired as to whether appointments to the office of magistrate for Jasper County may be made by the Governor additional to those now provided for in Section 43-831 of the Code of Laws for 1962, as amended by Act No. 600, approved the 7th day of July, 1971. Prior to this statute, the law provided for the appointment of four magistrates for Jasper County, but the amended statute now provides:

‘There shall be appointed for Jasper County one magistrate at Ridgeland and one magistrate at Hardeeville, and such others as the Governor may deem necessary—.’

The new judicial amendment to the Constitution of 1895, approved last week by the General Assmelby provides, in part:

‘Section 23. The Governor, by and with the advice and consent of the Senate, shall appoint a number of magistrates for each county as provided by law.’

This is essentially the same as the previous constitutional provision and, in my opinion, authorizes the Governor, in accordance with Act No. 600, to appoint such other magistrates in Jasper County as the Governor may deem necessary.

It is my understanding that the salaries of any such additional magistrates will be provided by the County Council, which has requested of you that the magistrates eliminated by Act No. 600 be permitted to continue their terms of office until the latter part of 1974. The jurisdiction of magistrates in Jasper County is countywide, but no terms of office are provided for. This apparently resulted from the removal a number of years ago of the constitutional provision that magistrates hold office for two years, and this policy has been continued in Jasper County. If the Governor should appoint additional magistrates for Jasper County, it is my opinion that such appointment will be for a term of two years.

Very truly yours,

Daniel R. McLeod  
Attorney General

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