

1973 WL 27748 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1973

***1 R-394, Municipal Court, North Charleston, South Carolina**

Honorable James E. Gonzales
City Attorney
Box 5817
North Charleston, South Carolina 29406

Dear Mr. Gonzales:

You have inquired as to the validity of the subject Act, creating for North Charleston a Municipal Court with jurisdiction that exceeds that of municipal courts created under any uniform, Statewide statute.

Article 5 of the State Constitution, as amended, provides:

“The judicial power shall be vested in a uniform judicial system, which shall include a Supreme Court, a Circuit Court, and such other courts of uniform jurisdiction as may be provided for by general law.”

In addition, Article 3, Section 34(IX), prohibits special or local legislation where a general law can be made applicable. There are, as you know of course, uniform laws for the creation of municipal courts (Sections 15-1002, et seq.; 47-699.71, et seq.).

In view of the foregoing, it is the opinion of this Office that the subject Act is invalid because it attempts to create an inferior court with jurisdiction that is not uniform with other similar courts, and because it constitutes prohibited, special legislation.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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