

1973 WL 26850 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 22, 1973

***1 Re: Ridgeville Court**

N. H. Hamilton, Esquire
Attorney at Law
Summerville, South Carolina

Dear Mr. Hamilton:

You have inquired whether or not a town of less than 1000 population may create a municipal court and elect a recorder.

Section 15-1002, 1962, Code, provides for such courts and judges in towns of not less than 1000 population. The only statutory provision for courts in under-1000 towns is in Section 15-901, et seq., which states that the Mayor and Mayor pro tempore shall have the power of magistrates in cases within the jurisdiction of municipal courts.

I know of nothing to support the proposition that an under-1000 town has an inherent right to establish a recorder's court in the absence of statutory authority.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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