CHAPTER 9

County Courts

Editor’s Note

1976 Act No. 690, Article VII, Section 5, provides:

“County courts and other similar courts with jurisdiction inferior to the circuit court and the offices of master‑in‑equity, standing master and special referee shall be abolished on July 1, 1979, and the jurisdiction of such courts devolved upon the unified court system; provided, however, that such county courts, other courts of similar jurisdiction, and the offices of master‑in‑equity, standing master and special referee shall be continued pursuant to Section 22 of Article V of the Constitution until July 1, 1979, subject, however, to the provisions of Article XI, Section 2 of this act; provided, further, that the General Assembly prior to July 1, 1979, shall provide sufficient judicial manpower to assure adequate staffing for the unified court system as provided by this act.”

1976 Act No. 690, Article VIII, Section 4, provides:

“A judge or master whose judicial office is eliminated by the provisions of this act shall be given credit for state retirement purposes for the time in which he served as judge or master under a formula to be determined by rule and regulation of the State Budget and Control Board.”

1976 Act No. 690, Article XI, Section 2, provides:

“The Supreme Court in its discretion by rule or order may delay in whole or in part for a period of up to one year the abolition of any court scheduled to be abolished as provided by this act.”

**SECTION 14‑9‑10.** Petition and order for election upon question of establishing county court.

 Whenever one third of the qualified registered electors of any county in this State shall file a petition with the clerk of the circuit court of such county praying for an election to be held in such county on the question of the establishment of a county court therein, the clerk shall within ten days make an order thereon and serve the same on the commissioners of election of such county requiring the commissioners to hold an election upon the question of establishing a county court in such county not later than sixty days nor earlier than forty days thereafter, after first giving at least thirty days’ notice thereof in the newspapers of such county. The petition shall be accompanied by a certificate of the board of registration of the county that the names appearing upon the petition constitute one third of the qualified registered electors of such county.

HISTORY: 1962 Code Section 15‑601; 1952 Code Section 15‑601; 1942 Code Section 75; 1932 Code Section 75; Civ. P. ‘22 Section 72; Civ. C. ‘12 Section 3848; Civ. C. ‘02 Section 2750; 1900 (23) 322.

**SECTION 14‑9‑20.** Form of question to be submitted.

 At any such election the question of the establishment of such a county court shall be submitted to the electors in this form: “Shall a county court be established for the county of \_\_\_\_\_\_\_\_\_\_?” inserting the name of the county in which the electors voting are resident. Upon this question the electors shall vote “Yes” or “No.”

HISTORY: 1962 Code Section 15‑602; 1952 Code Section 15‑602; 1942 Code Section 75; 1932 Code Section 75; Civ. P. ‘22 Section 72; Civ. C. ‘12 Section 3847; Civ. C. ‘02 Section 2750; 1900 (23) 322.

**SECTION 14‑9‑30.** Court established on a majority vote.

 In the event a majority of the qualified electors voting at any such election shall vote “Yes” upon such question then such county court shall be established in and for such county in which a majority of the qualified electors so vote with such jurisdiction and powers as are herein provided.

HISTORY: 1962 Code Section 15‑603; 1952 Code Section 15‑603; 1942 Code Section 76; 1932 Code Section 76; Civ. P. ‘22 Section 73; Civ. C. ‘12 Section 3848; Civ. C. ‘02 Section 2751; 1900 (23) 322.

**SECTION 14‑9‑40.** Only one election permitted within four‑year period.

 An election on said question shall not be had in any county oftener than once in four years.

HISTORY: 1962 Code Section 15‑604; 1952 Code Section 15‑604; 1942 Code Section 75; 1932 Code Section 75; Civ. P. ‘22 Section 72; Civ. C. ‘12 Section 3847; Civ. C. ‘02 Section 2750; 1900 (23) 322.

**SECTION 14‑9‑50.** Election of county judge; term; oath; commission.

 At the next ensuing general election after a majority of the electors in any county shall have voted for the establishment of a county court, and every four years thereafter, the qualified electors in such county shall elect a resident attorney at law thereof as county judge. Such county judge shall be the presiding judge of the county court and shall hold his office for four years and until his successor has been elected and has qualified. The county judge, before entering upon the duties of his office, shall take the same oath of office as that required by law of circuit judges and shall be commissioned in the same manner as circuit judges.

HISTORY: 1962 Code Section 15‑605; 1952 Code Section 15‑605; 1942 Code Section 84; 1932 Code Section 84; Civ. P. ‘22 Section 81; Civ. C. ‘12 Section 3856; Civ. C. ‘02 Section 2759; 1900 (23) 322.

**SECTION 14‑9‑60.** Appointment of county solicitor; term.

 Upon the establishment of any such county court the Governor, upon the recommendation of the members of the General Assembly from the county in which such county court has been established, shall appoint for such county a resident attorney at law as county solicitor, whose term of office shall continue until his successor shall have been elected by the qualified electors of the county at the next succeeding general election and until his successor qualifies. After the first term herein provided for, the term of the county solicitor shall be for four years and until the election and qualification of a successor, the qualified electors electing such successor at the general election occurring every four years.

HISTORY: 1962 Code Section 15‑606; 1952 Code Section 15‑606; 1942 Code Section 96; 1932 Code Section 96; Civ. P. ‘22 Section 93; Civ. C. ‘12 Section 3868; Civ. C. ‘02 Section 2771; 1900 (23) 322.

**SECTION 14‑9‑70.** Appointment of stenographer; duties.

 The county judge in each of the counties wherein a county court is established shall appoint for the county court an official stenographer, who shall attend upon the sessions of the court and perform the same duties in connection therewith as are performed by circuit stenographers in the circuit courts.

HISTORY: 1962 Code Section 15‑607; 1952 Code Section 15‑607; 1942 Code Section 100; 1932 Code Section 100; Civ. P. ‘22 Section 97; Civ. C. ‘12 Section 3872; Civ. C. ‘02 Section 2775; 1900 (23) 322.

**SECTION 14‑9‑80.** Clerk of circuit court is ex officio clerk of county court; duties; compensation.

 The clerk of the circuit court shall be ex officio clerk of the county court, and shall keep such calendars, minutes and records of the county court and the causes therein pending, and attend and perform such duties as the clerk thereof, as is required of him by law as clerk of the circuit court. For services performed as clerk of the county court he shall receive the same compensation as if performed by him as clerk of the circuit court.

HISTORY: 1962 Code Section 15‑608; 1952 Code Section 15‑608; 1942 Code Section 90; 1932 Code Section 90; Civ. P. ‘22 Section 87; Civ. C. ‘12 Section 3862; Civ. C. ‘02 Section 2765; 1900 (23) 322.

**SECTION 14‑9‑90.** Duties and compensation of sheriff.

 The sheriff of the county shall attend upon all sessions of the county court and shall be subject to the orders thereof. He shall execute the orders, writs and mandates of the county court as required by law of him with reference to the circuit court. For all such service he shall receive the same compensation as is allowed by law for similar services in the circuit court; provided, that for serving each venire for the county court the sheriff shall receive the sum of ten dollars.

HISTORY: 1962 Code Section 15‑609; 1952 Code Section 15‑609; 1942 Code Section 91; 1932 Code Section 91; Civ. P. ‘22 Section 88; Civ. C. ‘12 Section 3863; Civ. C. ‘02 Section 2766; 1900 (23) 322.

**SECTION 14‑9‑100.** Appointment and duties of bailiffs.

 The presiding judge of the county court may appoint a sufficient number of bailiffs, not exceeding three, to attend upon the court and be subject to the orders thereof. Such bailiffs shall not be retained in attendance upon the court longer than the exigencies of the business of the court shall require.

HISTORY: 1962 Code Section 15‑610; 1952 Code Section 15‑610; 1942 Code Section 92; 1932 Code Section 92; Civ. P. ‘22 Section 89; Civ. C. ‘12 Section 3864; Civ. C. ‘02 Section 2767; 1900 (23) 322.

**SECTION 14‑9‑110.** Court of record; presumptions favoring jurisdiction and validity of judgments.

 The county court shall be a court of record and the same presumption in favor of its jurisdiction and the validity of its judgments shall be indulged as in the case of judgments rendered by the circuit court.

HISTORY: 1962 Code Section 15‑611; 1952 Code Section 15‑611; 1942 Code Section 78; 1932 Code Section 78; Civ. C. ‘22 Section 75; Civ. C. ‘12 Section 3850; Civ. C. ‘02 Section 2753; 1900 (23) 322.

**SECTION 14‑9‑120.** Jurisdiction of county court.

 Any such county court shall have jurisdiction to try and determine all criminal cases, except cases for murder, manslaughter, rape and attempt to rape, arson, common‑law burglary, bribery and perjury. It shall likewise have jurisdiction to try and determine all civil cases and special proceedings, both at law and in equity, when the value of the property in controversy or the amount claimed does not exceed one thousand dollars, and it shall hear and determine appeals taken from judgments rendered by magistrates. But it shall not have jurisdiction to try any action involving the title to real estate.

HISTORY: 1962 Code Section 15‑612; 1952 Code Section 15‑612; 1942 Code Section 77; 1932 Code Section 77; Civ. P. ‘22 Section 74; Civ. C. ‘12 Section 3849; Civ. C. ‘02 Section 2752; 1900 (23) 322.

**SECTION 14‑9‑130.** Jurisdiction and powers of judge.

 As to all cases and special proceedings within the jurisdiction of the county court and pending therein the county judge of the county shall have the same jurisdiction with reference thereto, both in open court and at chambers, as is possessed by circuit judges over cases pending in the circuit courts over which they are presiding or in the circuits in which they are resident.

HISTORY: 1962 Code Section 15‑613; 1952 Code Section 15‑613; 1942 Code Section 85; 1932 Code Section 85; Civ. P. ‘22 Section 82; Civ. C. ‘12 Section 3857; Civ. C. ‘02 Section 2760; 1900 (23) 322.

**SECTION 14‑9‑140.** Terms.

 The county court shall hold its first term on the first Monday in the calendar month next succeeding the election and qualification of the county judge and shall hold a term beginning on the first Monday in every alternate month thereafter; provided, that should the time at which any term of any such court is fixed conflict with the time of holding the circuit court for the county then the term of the county court shall begin on the Monday succeeding the time for the final adjournment of the circuit court. The county court shall continue in session at each of its terms until the business before it has been disposed of. It shall be open for the trial of cases, civil and criminal, from the beginning to the end of each of its terms.

HISTORY: 1962 Code Section 15‑614; 1952 Code Section 15‑614; 1942 Code Section 86; 1932 Code Section 86; Civ. P. ‘22 Section 83; Civ. C. ‘12 Section 3858; Civ. C. ‘02 Section 2761; 1900 (23) 322.

**SECTION 14‑9‑150.** Laws which apply generally to circuit courts also apply to county courts.

 All general laws and statutory provisions applying generally to the circuit courts of this State and trials of causes therein shall apply to the county court and the conduct and trial of causes therein when not inconsistent with any of the provisions of this chapter.

HISTORY: 1962 Code Section 15‑615; 1952 Code Section 15‑615; 1942 Code Section 80; 1932 Code Section 80; Civ. P. ‘22 Section 77; Civ. C. ‘12 Section 3852; Civ. C. ‘02 Section 2755; 1900 (23) 322.

**SECTION 14‑9‑160.** Forms of pleading and practice.

 The same form of pleading and the same rules of procedure, practice and evidence shall obtain in the county court as is provided by law for the conduct and trial of cases, civil and criminal, in the circuit courts, except that criminal cases wherein the punishment does not exceed a fine of one hundred dollars and imprisonment for thirty days shall be tried without presentment by a grand jury on information filed by the county solicitor.

HISTORY: 1962 Code Section 15‑616; 1952 Code Section 15‑616; 1942 Code Section 79; 1932 Code Section 79; Civ. P. ‘22 Section 76; Civ. C. ‘12 Section 3851; Civ. C. ‘02 Section 2754; 1900 (23) 322.

**SECTION 14‑9‑170.** Grand jury.

 The grand jury as drawn in accordance with law for service upon the court of general sessions in each of the counties shall constitute the grand jury for the county court and shall meet with the county court at each of its terms, except the term next succeeding each session of the circuit court, at which term the grand jury need not meet with the county court.

HISTORY: 1962 Code Section 15‑617; 1952 Code Section 15‑617; 1942 Code Section 87; 1932 Code Section 87; Civ. P. ‘22 Section 84; Civ. C. ‘12 Section 3859; Civ. C. ‘02 Section 2762; 1900 (23) 322.

**SECTION 14‑9‑180.** Petit jury; members; trial without a jury.

 When a jury is required by law in the trial of causes, civil and criminal, in a county court, such jury shall consist of six persons. All criminal cases wherein the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days shall be tried before the county judge without a jury, unless a trial by jury is demanded by the accused. Such cases wherein a trial by jury is not so demanded shall be carried to the foot of the calendar, to await trial by the county judge after the jury cases for the term have been disposed of.

HISTORY: 1962 Code Section 15‑618; 1952 Code Section 15‑618; 1942 Code Section 83; 1932 Code Section 83; Civ. P. ‘22 Section 80; Civ. C. ‘12 Section 3855; Civ. C. ‘02 Section 2758; 1900 (23) 322.

**SECTION 14‑9‑190.** Board of jury commissioners; procedures for selecting jurors; attendance; excuse or discharge.

 The board of jury commissioners as constituted by law in each of the counties of the State for the drawing of jurors for the circuit courts shall constitute the board of jury commissioners for the drawing of jurors to attend upon the sessions of the county court and the law relating to the qualifications, drawing and summoning of jurors for attendance upon the circuit courts shall apply to the qualifications, drawing and summoning of jurors for the county court, except that not more than eighteen person shall be drawn and summoned to attend at the same time at any session of the county court, unless the court shall otherwise order. Jurors drawn and summoned shall appear and attend upon the sessions of the county court for which summoned until excused or discharged by the judge presiding.

HISTORY: 1962 Code Section 15‑619; 1952 Code Section 15‑619; 1942 Code Section 88; 1932 Code Section 88; Civ. P. ‘22 Section 85; Civ. C. ‘12 Section 3860; Civ. C. ‘02 Section 2763; 1900 (23) 322.

**SECTION 14‑9‑200.** Right to challenge jurors in criminal cases.

 In the selection of a jury for the trial of criminal cases in the county court, the accused, when charged with a misdemeanor, shall be entitled to peremptory challenges not exceeding three and the State two; and in the trial of cases of felony, the accused shall be entitled to peremptory challenges not exceeding five and the State three. When two or more persons are jointly indicted and so tried, the accused shall be jointly entitled to six peremptory challenges in cases of misdemeanor and eight peremptory challenges in cases of felony, and no more.

HISTORY: 1962 Code Section 15‑620; 1952 Code Section 15‑620; 1942 Code Section 82; 1932 Code Section 82; Civ. P. ‘22 Section 79; Civ. C. ‘12 Section 3854; Civ. C. ‘02 Section 2757; 1900 (23) 322.

**SECTION 14‑9‑210.** Indictments for county court cases by grand jury of court of general sessions.

 The county solicitor shall prepare and, through the presiding judge of the court of general sessions, submit to the grand jury, while in attendance upon the court of general sessions, bills of indictment in all cases pending in the county court in which the punishment may exceed a fine of one hundred dollars or imprisonment for thirty days, when such cases have not been previously acted on by the grand jury. The grand jury shall act thereon and report its action to the presiding judge of the court of general sessions and said judge shall direct the clerk of the court of general sessions to report the same to the presiding judge of the county court at its next ensuing term. All cases in which bills of indictment are so found shall stand for trial by the county court as though found by the grand jury while in attendance upon the county court.

HISTORY: 1962 Code Section 15‑621; 1952 Code Section 15‑621; 1942 Code Section 89; 1932 Code Section 89; Civ. P. ‘22 Section 86; Civ. C. ‘12 Section 3861; Civ. C. ‘02 Section 2764; 1900 (23) 322.

**SECTION 14‑9‑220.** Duties of county solicitor.

 The county solicitor shall represent the State in all cases brought before the county court wherein the State is a party and shall have the same powers and perform the same duties with reference thereto as a circuit solicitor with reference to cases brought before the court of general sessions. He shall also attend all inquests held by the coroner, aid in procuring evidence and represent the State in the examination of witnesses at such inquests. And he shall ex officio be the legal adviser of the governing body of the county without extra compensation.

HISTORY: 1962 Code Section 15‑622; 1952 Code Section 15‑622; 1942 Code Section 97; 1932 Code Section 97; Civ. P. ‘22 Section 94; Civ. C. ‘12 Section 3869; Civ. C. ‘02 Section 2772; 1900 (23) 322.

**SECTION 14‑9‑230.** Solicitor shall decide forum in cases of concurrent jurisdiction.

 The circuit solicitor may direct what cases may be tried before the court of general sessions in all cases when such court has concurrent jurisdiction with the county court.

HISTORY: 1962 Code Section 15‑623; 1952 Code Section 15‑623; 1942 Code Section 94; 1932 Code Section 94; Civ. P. ‘22 Section 91; Civ. C. ‘12 Section 3866; Civ. C. ‘02 Section 2769; 1900 (23) 322.

**SECTION 14‑9‑240.** Judge and solicitor prohibited from practicing law in certain causes; violations.

 The county judge and county solicitor shall not practice as attorneys at law in any cause or matter of which the county court has jurisdiction or may acquire jurisdiction. Upon conviction of any willful violation of this section the offender shall be adjudged to have forfeited his office and shall be sentenced to pay a fine of not less than two hundred nor more than five hundred dollars and be imprisoned for a period of not less than one month nor more than six months. But the county solicitor may practice in all causes and matters on the civil side of said court.

HISTORY: 1962 Code Section 15‑624; 1952 Code Section 15‑624; 1942 Code Section 99; 1932 Code Section 99; Civ. P. ‘22 Section 96; Civ. C. ‘12 Section 3871; Civ. C. ‘02 Section 2774; 1900 (23) 322.

**SECTION 14‑9‑250.** Compensation of jurors and witnesses.

 Grand and petit jurors in attendance upon the sessions of the county court shall receive as a compensation for their services one dollar per day and five cents per mile for necessary travel in going to and returning from the county seat. Witnesses in attendance upon the county court shall receive the same compensation as witnesses in attendance upon the circuit court.

HISTORY: 1962 Code Section 15‑626; 1952 Code Section 15‑626; 1942 Code Section 93; 1932 Code Section 93; Civ. P. ‘22 Section 90; Civ. C. ‘12 Section 3865; Civ. C. ‘02 Section 2768; 1900 (23) 322.

**SECTION 14‑9‑260.** Counties excepted.

 The provisions of this chapter shall not apply to the counties of Abbeville, Anderson, Bamburg, Barnwell, Beaufort, Berkeley, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Horry, Kershaw, Lancaster, Laurens, Lexington, Marion, Marlboro, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg and York.

HISTORY: 1962 Code Section 15‑627; 1952 Code Section 15‑627; 1942 Code Section 101; 1932 Code Section 101; Civ. P. ‘22 Section 98; Civ. C. ‘12 Section 3873; Civ. C. ‘02 Section 2776; 1900 (23) 322; 1934 (38) 1200.