CHAPTER 13

Claims Against Counties

**SECTION 4‑13‑10.** Claims shall be itemized and verified.

 No account shall be audited and ordered to be paid by the governing body of any county for any labor performed, fees, services, disbursements or any other matter unless it shall be made out in items and accompanied by an affidavit attached thereto and made by the person or officer presenting or claiming the same that the items are correct and that the labor, fees, disbursements, services or other matters charged therein have been in fact done, made, rendered or are due and that no part of the same has been paid or satisfied.

HISTORY: 1962 Code Section 14‑402; 1952 Code Section 14‑402; 1942 Code Section 3871; 1932 Code Section 3871; Civ. C. ‘22 Section 1112; Civ. C. ‘12 Section 991; Civ. C. ‘02 Section 806; G. S. 623; R. S. 691; 1875 (15) 945, 992; 1878 (16) 412; 1879 (17) 175; 1893 (21) 406; 1957 (50) 530.

LIBRARY REFERENCES

20 C.J.S., Counties Section 299.

Attorney General’s Opinions

A suit against a county arising on a contract must be brought before the governing body of the county to be adjudicated. 1975‑76 Op Atty Gen, No 4367, p 200.

NOTES OF DECISIONS

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Quoted in Richland County v Owens (1912) 92 SC 329, 75 SE 549. Best v Barnwell County (1920) 114 SC 123, 103 SE 479. Bank of McCormick v McCormick County (1920) 114 SC 469, 103 SE 787.

Cited in Ross v Pickens County (1928) 146 SC 24, 143 SE 366. Bryan v Hammett (1913) 94 SC 43, 77 SE 736.

Method of auditing. State ex rel. Myers v Appleby (1886) 25 SC 100. Green v County Comrs (1887) 27 SC 9, 2 SE 618. Tinsley v Union County (1893) 40 SC 276, 18 SE 794.

The board cannot review the action of a preceding board on a claim. County of Richland v Miller (1881) 16 SC 236. State ex rel. Cummings v Kirby (1882) 17 SC 563.

A complaint for personal injury and loss of consortium against a county 23 months after an automobile accident which was allegedly caused by the county’s negligent failure to maintain a county road did not state a cause of action to which Section 4‑13‑10 could be relevant. Brown v. Lexington County (S.C.App. 1984) 283 S.C. 27, 320 S.E.2d 498.

This section [Code 1962 Section 14‑402] covers a claim for injury to an automobile resulting from a defective highway, and confers jurisdiction on the county board to act judicially in the matter when presented to it. Du Pre v. Lexington County (S.C. 1911) 90 S.C. 180, 73 S.E. 70.

Applied in Greenville County v. City of Greenville (S.C. 1909) 84 S.C. 410, 66 S.E. 417.

Form of affidavit. State v. Goodwin (S.C. 1908) 81 S.C. 419, 62 S.E. 1100.

The board has no jurisdiction to audit and approve a claim, unless it be itemized and sworn to. State v. Goodwin (S.C. 1908) 81 S.C. 419, 62 S.E. 1100.

The action of the board on a claim properly presented is an adjudication. State v. Goodwin (S.C. 1908) 81 S.C. 419, 62 S.E. 1100.

An additional affidavit cures any defect in the original verification of the claim. Maxwell v. Saluda County (S.C. 1899) 55 S.C. 382, 33 S.E. 457.

Nor a certificate for witness fees. State v. Bullock (S.C. 1899) 54 S.C. 300, 32 S.E. 424.

A salary fixed by law need not be audited. State v. Starling (S.C. 1880) 13 S.C. 262.

**SECTION 4‑13‑20.** Claims filed by court clerk, sheriff or magistrate require additional oath.

 When any such account is filed by a clerk of the court, sheriff or magistrate, the officer filing the claim shall declare further on oath that the costs in the case out of which the claim arises have not been recovered out of the defendants and that the defendants are unable to pay costs; and also that the fines and penalties theretofore collected by them have been faithfully and fully paid over to the county treasurer. In every case the magistrate shall exhibit the original papers in which costs have accrued.

HISTORY: 1962 Code Section 14‑404; 1952 Code Section 14‑404; 1942 Code Section 3871; 1932 Code Section 3871; Civ. C. ‘22 Section 1112; Civ. C. ‘12 Section 991; Civ. C. ‘02 Section 806; G. S. 623; R. S. 691; 1875 (15) 945, 992; 1878 (16) 412; 1879 (17) 175; 1893 (21) 406.

CROSS REFERENCES

Limitation of actions by county officers of certain counties on claims for services, see Section 15‑3‑560.

**SECTION 4‑13‑30.** Claims of certain county officers and physicians for post mortems.

 The accounts of the coroners, sheriffs and supervisors and physicians’ or surgeons’ fees for post mortems shall be approved by the governing body of the county, and the supervisor, on their approval, shall draw an order upon the county treasurer for the payment of such accounts, countersigned by the secretary of the governing body.

HISTORY: 1962 Code Section 14‑404.1; 1952 Code Section 14‑404.1; 1942 Code Section 3861; 1932 Code Section 3861; Civ. C. ‘22 Section 1102; Civ. C. ‘12 Section 981; Civ. C. ‘02 Section 796; R. S. 678; 1893 (21) 489; 1899 (23) 10.

CROSS REFERENCES

Limitation of actions by county officers of certain counties on claims for services, see Section 15‑3‑560.

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Stated in State v. Bullock (S.C. 1899) 54 S.C. 300, 32 S.E. 424.

**SECTION 4‑13‑40.** “File Book” of claims.

 The governing body of each county shall keep in its office a “File Book” in which all claims presented for its consideration shall be entered by its clerk, the entry designating the date of filing, by whom presented, to whom such claim belongs and the character and amount thereof. The clerk shall number such claims in the order in which they are filed, audited and allowed from number one upwards.

HISTORY: 1962 Code Section 14‑405; 1952 Code Section 14‑405; 1942 Code Section 3872; 1932 Code Section 3872; Civ. C. ‘22 Section 1113; Civ. C. ‘12 Section 992; Civ. C. ‘02 Section 807; G. S. 624; R. S. 692; 1875 (25) 993; 1882 (17) 891.

**SECTION 4‑13‑50.** Memorandum of time of presentment and name of claimant must appear in minutes.

 A memorandum of the time of presenting such claims and the names of the persons in whose favor they are made out and by whom presented shall be entered in the minutes of the governing body.

HISTORY: 1962 Code Section 14‑406; 1952 Code Section 14‑406; 1942 Code Section 3872; 1932 Code Section 3872; Civ. C. ‘22 Section 1113; Civ. C. ‘12 Section 992; Civ. C. ‘02 Section 807; G. S. 624; R. S. 692; 1875 (25) 993; 1882 (17) 891.

LIBRARY REFERENCES

20 C.J.S., Counties Section 307.

**SECTION 4‑13‑60.** Custody of claim; withdrawal from custody.

 No account when presented, audited and ordered to be paid shall be withdrawn from the custody of the governing body or its clerk for any purpose whatever, except to be used in evidence upon a judicial trial or proceeding, in which case it shall, after being so used, be forthwith returned to such custody.

HISTORY: 1962 Code Section 14‑407; 1952 Code Section 14‑407; 1942 Code Section 3872; 1932 Code Section 3872; Civ. C. ‘22 Section 1113; Civ. C. ‘12 Section 992; Civ. C. ‘02 Section 807; G. S. 624; R. S. 692; 1875 (25) 993; 1882 (17) 891.

**SECTION 4‑13‑70.** Time when claims shall be barred.

 No claim against any county of this State shall be valid and payable unless the same be presented to and filed with the governing body of such county during the fiscal year in which it is contracted or the next thereafter, and all claims not so presented and filed shall be barred. No claim audited and allowed by the governing body or clerk of court for fees of witnesses and jurors shall be paid by the county treasurer unless it is presented to him for payment within five years from the date it is audited and allowed. This provision shall not affect the law as to the bonded debt of any county.

HISTORY: 1962 Code Section 14‑412; 1952 Code Section 14‑412; 1942 Code Section 3873; 1932 Code Section 3873; Civ. C. ‘22 Section 1114; Civ. C. ‘12 Section 993; Civ. C. ‘02 Section 808; G. S. 625; R. S. 693; 1898 (22) 737.

LIBRARY REFERENCES

20 C.J.S., Counties Section 298.

NOTES OF DECISIONS

In general 1

1. In general

The statutes relating to filing claims with the county board do not apply to claims based on the unconstitutionality of an act of the General Assembly, for the reason that administrative officers are bound by such an act until it has been judicially declared unconstitutional. Senn v Spartanburg County (1939) 192 SC 489, 7 SE2d 454. Salley v McCoy (1936) 182 SC 249, 189 SE 196.

The validity of this section [Code 1962 Section 14‑412] has never been questioned. Gillespie v. Pickens County (S.C. 1941) 197 S.C. 217, 14 S.E.2d 900.

Quoted in Bank of McCormick v. McCormick County (S.C. 1920) 114 S.C. 469, 103 S.E. 787.

Cited in Greenville County v. City of Greenville (S.C. 1909) 84 S.C. 410, 66 S.E. 417.

The claim must show the year in which it arose. State v. Goodwin (S.C. 1908) 81 S.C. 419, 62 S.E. 1100.

Applied in State v. Bullock (S.C. 1899) 54 S.C. 300, 32 S.E. 424.

A claim against a county for the expenses of a trial is not barred if presented within the next year after the completion of the trial. Colleton County v. Hampton County (S.C. 1898) 52 S.C. 589, 30 S.E. 484.

**SECTION 4‑13‑80.** Governing body shall disallow certain claims; only legal and verified claims shall be allowed.

 Nothing in this chapter shall be construed to prevent the governing body of any county from disallowing any account, in whole or in part, when so rendered and verified, if it appears that the charges are incorrect or that the services or disbursements have not, in fact, been made or rendered, nor from requiring any other or further evidence of the truth or propriety thereof. No allowance or payment beyond legal claims shall ever be allowed. And the governing body of the county may refuse to audit or allow any claim or demand whatsoever unless made out and verified in the manner herein specified.

HISTORY: 1962 Code Section 14‑413; 1952 Code Section 14‑413; 1942 Code Section 3871; 1932 Code Section 3871; Civ. C. ‘22 Section 1112; Civ. C. ‘12 Section 991; Civ. C. ‘02 Section 806; G. S. 623; R. S. 691; 1875 (15) 945, 992; 1878 (16) 412; 1879 (17) 175; 1893 (21) 406.

LIBRARY REFERENCES

20 C.J.S., Counties Section 304.

NOTES OF DECISIONS

In general 1

1. In general

The provision for requiring further evidence is merely permissive and not mandatory. Green v County Comrs (1887) 27 SC 9, 2 SE 618. Tinsley v Union County (1893) 40 SC 276, 18 SE 794.

Cited in McKown v. Daniel (S.C. 1950) 217 S.C. 510, 61 S.E.2d 163.

No defense that funds not applicable to salary fixed by statute. In a proceeding in mandamus by the county treasurer to require the county supervisor and the county board of commissioners to issue him a salary warrant for the unpaid balance of his salary, the court rejected the interposed defense that all funds in the hands of the county treasurer had been appropriated for certain purposes other than the payment of petitioner’s claim, and to pay such claim would be in violation of this section [code 1962 Section 14‑413], by holding that a permanent continuing statute fixing the salary of a public officer, as in this case, amounts to an appropriation, and it is the obvious ministerial duty of the proper officers to pay the salary, and the only defense is that there are no funds in the treasury; the defense that there are none applicable to this claim is insufficient. Smith v. Ashmore (S.C. 1937) 184 S.C. 316, 192 S.E. 565.

Mandamus will not lie to compel the county supervisor to draw his warrant against the county treasurer for indebtedness contracted in a previous fiscal year, especially when the county treasurer is without funds to pay such claim, nor to require such officer to levy a special tax to pay such claim. State v. Goodwin (S.C. 1908) 81 S.C. 419, 62 S.E. 1100.

**SECTION 4‑13‑90.** Fees shall not be paid by county in connection with proof of claims.

 No fees shall be paid by the governing body of any county for the proof of any claim presented to them. All public officers are required to probate without compensation all claims against their respective counties.

HISTORY: 1962 Code Section 14‑414; 1952 Code Section 14‑414; 1942 Code Section 3871; 1932 Code Section 3871; Civ. C. ‘22 Section 1112; Civ. C. ‘12 Section 991; Civ. C. ‘02 Section 806; G. S. 623; R. S. 691; 1875 (15) 945, 992; 1878 (16) 412; 1879 (17) 175; 1893 (21) 406.

**SECTION 4‑13‑100.** Drawing of orders on county treasurer.

 The county supervisor shall draw orders on the county treasurer, under the seal of the supervisor, countersigned by the secretary or clerk of the governing body of the county for all accounts against the county which the governing body has allowed, but he shall draw no orders until after the monthly report of the treasurer has been received by the governing body, nor unless he has reported that there are funds in the treasury to pay the same. The county supervisor shall inform the county treasurer of the orders drawn, in whose favor, the amount and the order in which they are drawn.

HISTORY: 1962 Code Section 14‑415; 1952 Code Section 14‑415; 1942 Code Section 3874; 1932 Code Section 3874; Civ. C. ‘22 Section 1115; Civ. C. ‘12 Section 994; Civ. C. ‘02 Section 809; G. S. 626; R. S. 694; 1878 (16) 364; 1939 (41) 553; 1940 (41) 1790, 1791.

CROSS REFERENCES

Prohibition against State officers issuing certificates of indebtedness or drawing certain checks, see Section 11‑9‑210.

**SECTION 4‑13‑110.** Repealed by 1993 Act No. 100, Section 1, eff June 14, 1993.

Editor’s Note

Former Section 4‑13‑110 was entitled “Unlawful to pay orders improperly drawn; violations” and was derived from 1962 Code Section 14‑416; 1952 Code Section 14‑416; 1942 Code Section 3874; 1932 Code Section 3874; Civ. C. ‘22 Section 1115; Civ. C. ‘12 Section 994; Civ. C. ‘02 Section 809; G. S. 626; R. S. 694; 1878 (16) 364; 1939 (41) 553; 1940 (41) 1790, 1791.

**SECTION 4‑13‑120.** Copies of claims approved by county authorities shall be delivered to legislative delegation.

 The county supervisor or the governing body of each county in this State shall have a duplicate of each claim approved by the county supervisor or by the governing body of the county for each fiscal year. Such duplicate copy shall show the township from which it originates and be for the use of the Senators and members of the House of Representatives of the respective counties. They shall be made as the different transactions occur in the different offices of the county supervisor or governing body of the county and shall be delivered on demand to the Senator or any of the members of the House of Representatives for any such county upon their receipt for the same; provided, that at the beginning of each fiscal year the Senator or some member of the House of Representatives shall give notice that such duplicate copy is required of them for his use or for the use of the legislative delegation from such county.

HISTORY: 1962 Code Section 14‑424; 1952 Code Section 14‑424; 1942 Code Section 3828; 1932 Code Section 3828; Civ. C. ‘22 Section 1072; Civ. C. ‘12 Section 953; Civ. C. ‘02 Section 770; 1898 (22) 735.

**SECTION 4‑13‑130.** Publication of list of claims audited.

 The county supervisors shall publish in some newspaper published in their respective counties, at least in one issue thereof and within fifteen days after each meeting of the governing body of the county at which claims are audited, a full statement of the claims audited by such governing body at its meeting immediately preceding such publication. The statement shall show, as published, the file number of the claim, the amount claimed, the amount allowed, the nature of the claim or service rendered and the name of the claimant. Such publication shall be paid for at the rate now allowed by law for public printing, provided the same does not exceed sixty dollars per annum.

HISTORY: 1962 Code Section 14‑425; 1952 Code Section 14‑425; 1942 Code Section 3827; 1932 Code Section 3827; Civ. C. ‘22 Section 1067; Civ. C. ‘12 Section 951; 1907 (25) 634; 1910 (26) 631; 1916 (29) 808; 1920 (31) 866; 1921 (32) 48; 1933 (38) 92.

NOTES OF DECISIONS

In general 1

1. In general

Applied in State v. Burley (S.C. 1908) 80 S.C. 127, 61 S.E. 255.

**SECTION 4‑13‑140.** Failure to publish list of claims audited.

 The failure of any supervisor or of the governing body of any county to publish the quarterly reports required by Section 4‑13‑130 shall be a misdemeanor, punishable by fine or imprisonment or both, within the discretion of the court.

HISTORY: 1962 Code Section 14‑429; 1952 Code Section 14‑429; 1942 Code Section 3827‑1; 1932 Code Section 1586; Cr. C. ‘22 Section 541; Cr. C. ‘12 Section 594; 1902 (23) 983.

**SECTION 4‑13‑150.** Designation of accounts allowed; copies; endorsements.

 The county supervisor shall designate every account upon which any sum shall be audited and allowed by the board, the amount so audited and allowed and the charges for which the same was allowed. He shall also deliver to any person who may desire it a certified copy of any account on file in his office on receiving from such person ten cents for every folio of one hundred words contained in such copy. And the supervisor shall endorse on every account allowed and ordered to be paid words indicating that it has been audited above the signature of the county supervisor.

HISTORY: 1962 Code Section 14‑430; 1952 Code Section 14‑430; 1942 Code Section 3875; 1932 Code Section 3875; Civ. C. ‘22 Section 1116; Civ. C. ‘12 Section 995; Civ. C. ‘02 Section 810; G. S. 629; R. S. 695; 1875 (15) 994.