

1976 WL 30440 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 27, 1976

*1 The Honorable Fred T. Moore
Member
House of Representatives
Anderson County
Box 505
Honea Path, South Carolina 29654

Dear Mr. Moore:

On behalf of former Senator John C. Taylor, you have asked whether it is constitutional for the South Carolina Pork Board to require an auction house to pay 5 cents on each hog that is sold through that barn.

This question was litigated in the Court of Common Pleas for Anderson County and Judge Clyde Eltzroth, by an order dated January 21, 1976, found that the statute was constitutional.

Senator Taylor was a defendant in that case and I presume has knowledge of the order.

In the light of this holding, I can only conclude that the assessment of 5 cents on each hog is a valid and constitutional imposition.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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