

1976 S.C. Op. Atty. Gen. 211 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4373, 1976 WL 22992

Office of the Attorney General

State of South Carolina

Opinion No. 4373

June 18, 1976

\*1 Senator Thomas E. Smith, Jr.  
100 Walnut Street  
Pamplico, South Carolina 29583

Dear Senator Smith:

You have requested an opinion from this Office as to whether or not the repeal of Act No. 26 of 1973, a special act relating to Florence County courts of limited jurisdiction, would be special legislation prohibited by Article III, Section 34, subdivision ix, and by Article VIII, Section 7 of the State Constitution. In my opinion, it would not.

Such an act, although it would be special legislation, might very well be upheld inasmuch as it would dismantle a court of non-uniform jurisdiction created by a special law and, thus, would harmonize with the intent of Article V, Section 1 to establish a unified judicial system composed of courts of uniform jurisdiction. Moreover, while the question is not entirely free from doubt, authorities seem to hold that the repeal of a special law by a special law would not violate special legislation prohibitions contained in State constitutions. See, e.g., [Robertson v. Mena Bonded Warehouse Co., et al.](#), 223 S.W. 378 (1920); [State v. Prather](#), 112 P.829 (1911); cf., 1A SUTHERLAND, STATUTORY CONSTRUCTION § 22.05 (4th Ed. 1972).

Incidentally, you may be correct in assuming that the judicial reform legislation will effectively repeal all laws inconsistent therewith and that, therefore, legislation such as you have proposed will not be necessary.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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