

1981 WL 158177 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 10, 1981

\*1 Roy McBee Smith, Esquire  
Spartanburg County Attorney  
Post Office Box 5306  
Spartanburg, South Carolina 29304

Dear Mr. Smith:

In response to your request for an opinion from this Office regarding the scope of certain language included in Section 2-108 of the Spartanburg County Code, I agree with your conclusion that the Spartanburg County Council can dispose of real property without having to comply with any public auction or competitive bid requirements set forth in that Section for the disposal of county property which has become 'obsolete and unusable.' The fact that the general definition section of the Spartanburg County Code defines property to include both real and personal property does not, in my opinion, override the clear-intent of Section 2-108 that only personal property is included within the auction and bid requirements inasmuch as, as you note, real property cannot become obsolete and unusable.

Not only may the words of an act be restricted by its subject matter in order to avoid repugnance with other parts of the act, but they may also be expanded. The application of the words of a single provision may be enlarged or restricted to bring the meaning of the clause in question into conformity with the intention of the legislature and the provisions of the remainder of the act. The propriety or necessity of thus construing the words is obvious for all parts of an act should be in harmony with the intent of the act . . .

The intention of an act will prevail over the literal sense of its terms. 2A SUTHERLAND STATUTORY CONSTRUCTION § 47.07 at 81-2 (4th ed. 1973).

Cf., Southbridge Finishing Co. v. Golding, 156 N.Y.S. 542 (1956) ('[w]hile the definitions of terms in the General Construction Law are not controlling where the general object or context of the language construed indicates that a different meaning or application was intended, . . . the necessity for applying a different definition must clearly appear.').

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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