

1982 WL 189315 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 8, 1982

*1 Dr. Orlando H. White
Assistant to the President and Grants Coordinator
South Carolina State College
Orangeburg, SC 29117

Dear Dr. White:

You have requested an opinion from this office as to whether there are any legal barriers to prevent South Carolina State College from accepting the gift of a used computer and then selling or trading the used computer for a newer computer. It is the opinion of this office that the College, through its Board of Trustees, could accept that gift and then apply its value toward the purchase of a new computer.

The South Carolina State College Board of Trustees has been specifically granted the power to receive gifts of money and personal property. § 3, Act No. 492 of 1878 and [§ 59-127-60, Code of Laws of South Carolina](#), 1976. In addition, as a matter of general law, a college has the power to control and dispose of college property. 15A Am. Jur. 2d, 'Colleges and Universities' § 35, [citing Mims v. McNair, 252 S.C. 64, 165 S.E.2d 355 \(1969\)](#). The College would be limited in this regard only by the restriction that in accepting gifts and disposing of property it must accomplish some lawful purpose for which the college was established. 15A Am. Jur. 2d, [supra](#). It appears certain that the acquisition of a new computer, whether for instructional or for administrative uses, would serve a lawful purpose of South Carolina State College. For these reasons, it is the opinion of this office that South Carolina State College may accept a gift of a computer for the purpose of using it to acquire a newer computer. Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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