

1977 WL 37283 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 28, 1977

\*1 John D. McLeod, Esquire  
Ridgeway Town Attorney  
P. O. Box 263  
Winnsboro, South Carolina 29180

Dear Mr. McLeod:

In response to your inquiry regarding the relationship between Chapters 3 and 5 of Title 25 of the 1962 South Carolina Code of Laws, as amended, I think that the Town of Ridgeway should proceed under the assumption that Chapter 5 does, in fact, provide the exclusive procedure by which a municipality can condemn as Section 25-161 states. Sections 25-161 et seq. were enacted in 1953 after the provisions of Chapter 3 of Title 25 had been codified in the 1952 Code of Laws; that time difference may explain the apparent inconsistency between the two chapters. In any event, you should note any effect which the provisions of Sections 59-201 through 59-225 of the Code (as to condemnation of land for municipal public works), as well as the holding in [Godwin v. Carrigan](#), 227 S.C. 216, 87 S.E.2d 471 (1955), might have on the question you face before finally deciding what procedure to follow.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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