

1978 WL 35019 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 7, 1978

*1 Dr. Jack S. Mullins
Director
State Personnel Division
1205 Pendleton Street
Columbia, SC 29201

Dear Dr. Mullins:

You have inquired as to the meaning of 'the sixth degree' as used in the act relating to nepotism in S.C. Code of laws (1976) § 8-5-10.

For the purpose of intestate distribution, S.C. Code of Laws (1976) § 21-3-20(6) states in part:

In reckoning the degrees of kindred, the computation shall begin with the intestate and be continued up to the common ancestor and then down to the person claiming kindred inclusively, each step inclusively being reckoned as a degree.

The enclosed chart will show you graphically which particular relatives would be beyond the sixth degree. For your purposes, substitute the person whose kinship you need to trace for the point labeled 'Deceased'. This is the civil law method of computing degrees by kinship as explained in 23 Am. Jur. 2d Descent and Distribution § 48 pp. 792-793.

. . . Computing by the rule of civil law, parents and children of a deceased are related to him in the first degree; and grandparents, grandchildren, brothers and sisters of the deceased are related to him in the second degree. Uncles, aunts, nephews, nieces, and great-grandparents of the deceased are related to him in the third degree. The fourth degree of relationship includes first cousins, great-uncles and great-aunts, and great-great grandparents. The great-great uncles and great-great aunts, the children of a cousin, and the children of a great-uncle or a great-aunt are related in the fifth degree . . .

The State of South Carolina recognizes and follows the rule of civil law in computing degrees of kindred. Ex Parte Kreps 61 S.C. 29, 39 S.E. 181, (1901); Simonton et al. v. Edmunds et al., 202 S.C. 397, 25 S.E. 2d 284 (1942).

Therefore, pursuant to South Carolina Code of Laws (1976) § 8-5-10 which states:

It shall be unlawful for any person at the head of any department of this government to appoint to any office or position of trust or emolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree.

A sixth degree relationship would consist of a child of a great-great uncle/aunt, a second cousin or a grandchild of a first cousin. Seventh degree kinship i.e. grandchild of a great-great uncle/aunt of child of second cousin and eighth degree kinship i.e. third cousin would not come within the nepotism prohibition of first through sixth degree kinship.

If I can be of further assistance to you, please let
Sincerely,

Frank H. DuRant

Assistant Attorney General

1978 WL 35019 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.