

1974 WL 27651 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 27, 1974

*1 The Honorable James M. Waddell, Jr.
Senator
The State House
Columbia, South Carolina

Dear Senator Waddell:

You have inquired as to whether or not the members of the Board of Trustees of Clemson University can be increased by the General Assembly.

I advise that, in my opinion, the limitation on the number of members is fixed under the terms of the Will of Thomas G. Clemson at thirteen. Item 2 of the Will provides, in part:

‘—and the State, if it accepts the donation, shall never increase the Board of Trustees to a number greater than thirteen in all—.’

The terms and conditions set forth in the Will were accepted by the State by an Act approved by the Governor on the 27th day of November, 1889.

It is my opinion that the terms of the Will are binding upon the State and that it cannot increase the number of Trustees of Clemson University beyond thirteen members.

Very truly yours,

Daniel R. McLeod
Attorney General

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