

1974 WL 27444 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 13, 1974

***1 In Re: Dutch Fork Magisterial District—Boundaries**

Honorable C. M. Rye
Magistrate
Dutch Fork District
900 St. Andrews Road
Columbia, South Carolina

Dear Magistrate Rye:

You have inquired as to the present boundaries of the St. Andrews precinct, which, by statute [Act No. 558 of 1967] is a part of the Dutch Fork Magisterial District. Your inquiry is occasioned by the fact that a portion of the St. Andrews precinct (Watermark area) was annexed by the City of Columbia on March 14, 1973, and the statutory description of the boundaries of Ward 3 (City of Columbia) uses 'the line of the City limits' as a partial description of the location of two points, viz., 'a point where Interstate Highway No. 126 intersects with the city limits line' and 'along a line of the city limits to a point where it intersects with the center line of Sunset Drive'. Act 558 of 1967, para. (3).

The statute setting out the boundaries of St. Andrews precinct does not refer to the city limit line. Section 23-193(28), 1962 Code of Laws of South Carolina, as amended.

If the law setting forth the boundaries of Ward 3 is construed as referring to 'the city limits line' as it exists today, with the change in that line brought about by annexation of the Watermark area, a portion of Ward 3 overlaps an area of St. Andrews precinct.

One basic rule of statutory construction is that statutes that are conflicting when construed in one sense will not be given such construction if they can be made compatible by another reasonable construction. In this case, there is another entirely reasonable construction that can be applied to eliminate the conflict and make the two statutes compatible.

It is accepted generally in the field of civil engineering that a point established to set the boundaries of an area, when the description refers to another boundary line, such as a point at which one line intersects with another, the boundaries to which reference is made are those existing at that time—not as they might exist at another location some time in the future.

In view of the foregoing, and the fact that the subject statutes do not indicate a contra intent, it is the opinion of this Office that the legal boundaries of the St. Andrews precinct are as set forth in Section 23-193(28), 1962 Code of Laws, as amended, and that the boundaries of Ward 3 are as set forth in Act 558 of 1967, para. (3), with the phrase 'the city limits line' as used in the Act meaning such line as it existed upon the effective date of the Act.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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