

1974 WL 27479 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 11, 1974

*1 Thomas O. Lawton, Jr., Esquire
County Attorney
Post Office Box 646
Allendale, South Carolina 29830

Dear Mr. Lawton:

You have requested an opinion from this office as to the constitutionality of Act Nos. R-1504 and R-1502. This office must take the position that, inasmuch as the two acts have been enacted, they are presumed to be constitutional. We also advise, however, that if, upon the implementation of the acts, an action were to be brought pursuant to the declaratory judgment act, (See, Sections 10-2001 et seq. of the South Carolina Code of Laws, 1962, as amended) Act No. R-1504 would be unconstitutional under the authority of the South Carolina Supreme Court decision in Knight v. Salisbury. Opinion filed June 17, 1974. Act No. R-1502, if similarly challenged, might also be declared unconstitutional; we would express some reservation as to the unconstitutionality of Act No. R-1502 inasmuch as the decision rendered in Knight v. Salisbury leaves several questions unanswered.

With kindest regards,

Karen LeCraft Henderson
Assistant Attorney General

1974 WL 27479 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.