

1973 WL 26710 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 24, 1973

\*1 Mr. Charles R. Beard  
Principal Clerk  
General Synod  
1200 S. Beltline  
Columbia, South Carolina 29205

Dear Mr. Beard:

You have inquired:

‘Are there any legal ramifications to consider from the admission of a young person who may be a minor to the membership of a board or committee which enters into legal contracts?’

You have specific reference to the Board of Trustees of Erskine College, upon which there sits as a member a youth representative with full voting rights.

It is my opinion that the participation of a minor in such capacity does not affect the validity of a contract entered into by the board of which he is a member. There are a number of decisions which touch upon the issue, but there are none in this State which directly deal with the precise point. It is my view that since a minor's privilege is personal to him, that it does not affect any action he may take in a representative capacity. This appears to be the general rule followed by the courts. The privileges which the law allows an infant are given to protect his own interests, not to enable him to disaffirm acts done for others not affecting his own property. 3 Am. Jur. 2d Agency § 14 at 427. Since a minor's right to disaffirmance of a contract is personal, it does not extend to acts performed by him in a fiduciary capacity.

A tacit recognition of the validity of a minor's acts in a typical representative capacity appears to exist by virtue of the recently adopted twenty-sixth amendment to the United States Constitution which granted to 18 to 20-year-olds the right to vote. This, in the opinion of this Office, authorized such individuals to become members of governing bodies of political entities, such as municipalities and county councils, etc. Undoubtedly, acting in such capacity, the minor would participate in contractual relationships which a town or county council might enter upon. There is currently being proposed also an amendment to the State Constitution which would give 18 to 20-year-olds full legal capacity in contractual and other matters, but this is a matter which has no bearing in the present stance of the problem.

These considerations prompt me to conclude that the presence of a minor upon the Board of Trustees of Erskine College has no effect upon the validity of the actions of the board insofar as the participation of such a minor is concerned.

The authorities which have been consulted in the preparation of this opinion are appended below.

Cordially,

Daniel R. McLeod  
Attorney General

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