

1973 WL 26753 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1973

**\*1 Re: Use of Property contained within Manchester State Forest by Sumter County**

Mr. John R. Tiller  
State Forester  
South Carolina State Commission of Forestry  
Post Office Box 287  
Columbia, South Carolina

Dear Mr. Tiller:

I have this date been contacted by Mr. Fred W. Horn concerning a request for use of certain properties of the South Carolina State Commission of Forestry. Mr. Horn has furnished for my review a xerox copy of the Quitclaim Deed given by the United States Government as the grantor to the South Carolina State Commission of Forestry, dated June 28, 1955. This deed purports to grant to the Commission of Forestry rights in that property now known as the Manchester State Forest and as I understand the problem, it is necessary to determine whether certain restrictions in this deed would prevent use of properties of Manchester State Forest by the County of Sumter an a garbage disposal site.

I have reviewed this deed and note on page 16 a restriction which reads as follows:

‘This conveyance is also made subject to the condition that the above-described land shall be used for public purposes, and if at any time said land ceases to be so used the estate hereby conveyed shall immediately revert to and become revested in the United States.’

I am concerned that use of property within the Manchester State Forest by a single governmental subdivision, to wit, the County of Sumter may violate this restriction which appears to grant to all citizens of the State of South Carolina rights in the use of Manchester State Forest properties. I have not at this point had an opportunity to research this question, but advise you that until such time when this point of law has been clarified, the Commission of Forestry should defer action on any proposed use of the Manchester State Forest properties by the County of Sumter.

Sincerely,

John B. Grimball

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