

1973 S.C. Op. Atty. Gen. 226 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3574, 1973 WL 21031

Office of the Attorney General

State of South Carolina

Opinion No. 3574

July 16, 1973

***1** There is no requirement that a male be a legal resident of South Carolina before he can gain admission to Winthrop College either as a regular or special student; however, he must be a resident of this State at the time that he is awarded a degree.

The term 'legal resident' is synonymous with the term 'domiciliary.'

For one to be a 'legal resident' or 'domiciliary' of South Carolina, this State must be the place of permanent abode and not temporary abode.

TO: Registrar

Winthrop College

You have requested that we advise you as to whether or not a male must be a legal resident of this State before Winthrop College can accept him as a student. You also ask that we advise you as to the meaning of the term 'legal resident.'

Regarding your first question, inasmuch as the opinion of Robert R. Carpenter, Esquire, Attorney at Law, Rock Hill, South Carolina, which is excerpted below, correctly advises you concerning that issue, we adopt it as the opinion of this office. See, Letter from Robert R. Carpenter to Wilbur Livingston, June 9, 1973.

As to the meaning of the term 'legal resident,' one is a legal resident of that place wherein he is domicile. Cf., [In re Quinn's Estate](#), 283 Ill. App. 597; cf. also, [Phillips v. South Carolina Tax Commission](#), 195 S.C. 472, 12 S.E.2d 13. The term 'legal resident' is synonymous, then, with the term 'domiciliary.' Cf., [Phillips v. South Carolina Tax Commission](#), *supra*. One's legal residence is the person's place of domicile or permanent abode, as distinguished from the place of temporary residence. [Downs v. Downs](#), 23 App. D.C. 381; see also, 24A Words and Phrases 472; see also, Code of Laws of South Carolina § 22-2.2 (Cumulative Supplement) (1962); letter from Ellison D. Smith, IV, to K. R. Manning, December 18, 1972 (copy enclosed).

OPINION OF ROBERT R. CARPENTER, ESQUIRE

'You have requested that I give you an opinion as to the residency requirements under the statutes of South Carolina for the admission of a male student during the 1973 second session of summer school. My understanding is that this applicant may have been a resident of South Carolina for less than six months.

'Section 22-412 of the Code of Laws of South Carolina, 1962, as amended, is the section dealing with admissions and degrees at Winthrop College. The original section authorized the trustees to confer degrees on and grant diplomas to all persons who satisfactorily complete the prescribed courses of study and training at Winthrop. This section was amended in 1969 to allow the awarding of degrees to male students who have earned or who were then earning credits from the college. The amended statute carried the provision that 'degrees may also be awarded only to male students who are in attendance on or before September 15, 1969; provided, that in addition to those male students now enrolled, no male student who has not been a resident of this State for at least one year prior to his admission to the college may be awarded a degree.

***2** 'Section 22-412 was again amended by the Legislature in 1972 and the section was entirely rewritten. It now reads as follows:

‘Section 22–412. Degrees; enrollment of and award of degrees to male students—The trustees may confer degrees upon and grant diplomas to all persons who satisfactorily complete the prescribed courses of study and training at Winthrop College. Degrees may be awarded to male students who are legal residents of the State and who do not live on campus. Provided, however, no male student shall be allowed to enroll at Winthrop who has not completed at least two years of college, except at summer school sessions at which students of any class may be enrolled.’

‘The statutes apparently have never required that a male student be a resident of South Carolina in order to attend Winthrop, the prohibition being in the awarding of degrees rather than in attendance. The 1969 amendment prohibited the awarding of degrees to male students who had not been residents of the state for at least one year prior to admission. The 1972 amendment eliminated this requirement and simply required that a male student be a legal resident of the state at the time the degree is awarded.

‘Thus it is my opinion that there is at this time no residency requirement for male students for admission to the college either as a regular or summer school student but there is a requirement that a male student be a legal resident of South Carolina prior to the time he obtains a degree.’

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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