

1973 WL 26913 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 4, 1973

\*1 Ms. Edna Smith  
Attorney at Law  
Carolina Community Law Firm  
2016-½ Green Street  
Columbia, S. C. 29205

Dear Ms. Smith:

Thank you for your letter of September 25 inquiring as to whether an eleemosynary organization may sue and may be sued.

Under the laws of this State, it is my opinion that an eleemosynary corporation may not be sued in tort, although it may be sued ex contractu. The South Carolina Council for Human Rights is an eleemosynary corporation which, under its chartered powers, can sue and be sued, but this does not, in my opinion, carry with it the right to be sued in tort.

Very truly yours,

Daniel R. McLeod  
Attorney General

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