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## RECENT LEGISLATION

### A SUMMARY OF THE GENERAL ENACTMENTS OF THE 1951 SESSION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA

T. R. SAMS AND WILLIAM A. COOK\*

This summary is intended as a review of that legislation of the 1951 General Assembly which is of importance or interest to the practicing attorneys of this State. Not all State-wide legislation falls within this category and much of it has been omitted. Local legislation of interest to members of the Bar in the particular counties affected thereby has been listed.

Since the Acts and Joint Resolutions of 1951 have not yet been published, the Acts mentioned herein have been cited by giving the ratification number of each measure and the date of its approval by the Governor. Resolutions proposing amendments to the State Constitution and Acts ratifying Constitutional amendments do not require the approval of the Governor. Dates given for these measures are ratification dates. All Code Section numbers refer to the Code of Laws of South Carolina, 1942.

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*Maximum Recovery Under Workmen's Compensation Increased* — This Act<sup>1</sup> amended Sections 7035-32 and 7035-44 by striking out "six thousand (\$6,000.00) dollars" in both Sections and inserting in lieu thereof "eight thousand (\$8,000.00) dollars". These Sections set forth the maximum compensation recoverable under the Workmen's Compensation Law. Section 3 of the Act provides that this Act shall not apply to claims for death or total permanent disability arising before the effective date of the Act.

*New Life Expectancy Table* — This Act<sup>2</sup> amends Section 735, which sets forth a table of life expectancy for use as evidence in the courts of this State, by inserting a new table. The new table is based on the latest actuarial figures whereas the old table had not been amended since its adoption in 1903.

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1. Ratification No. 149, approved April 5, 1951.

2. Ratification No. 305, approved April 28, 1951.

*Judges of Circuit Courts and County Courts Given Concurrent Jurisdiction with Magistrates Under Landlord and Tenant Act*— This Act<sup>3</sup> amends Act No. 873 of the Acts of 1946, known as the "Landlord and Tenant Act", by adding a new Section which provides that judges of the circuit courts and judges of the county courts shall have concurrent jurisdiction with magistrates under the Landlord and Tenant Act and that the judges may exercise all the duties and powers conferred upon magistrates by that Act.

*Subsequent Marriage of the Parents of An Illegitimate Child*— This Act<sup>4</sup> effects no substantial change in existing law. Act 1019 of the Acts of 1950 amended Section 8679, relating to the adoption of children, by adding a proviso to the effect that an illegitimate child shall become legitimate upon the subsequent marriage of its parents and that child shall take the name of the father as if born in lawful wedlock. The Act of 1951 strikes out the proviso added to Section 8679 by the 1950 Act and enacts it as a separate provision of law. It was felt that a matter of this importance should be embodied in a Section alone and not as a proviso at the end of a Section relating to adoption.

Section 1 of the 1951 Act seeks to clarify the status of an illegitimate child who has been adopted by persons other than its parents prior to the marriage of its parents. In that case, the only effect of the subsequent marriage of the parents is to legitimize the child. The decree of adoption is not upset, but the legitimation of the child removes the limitations imposed upon the amount of property that may be given an adopted illegitimate child by deed, will, or otherwise, or that he may inherit. The adopted child retains the name given him in the decree of adoption. If his name was not changed in the decree, he takes the name of his father.

The Act was made retroactive in all cases where, prior to the approval of the Act, the parents of an illegitimate child have married and the father and the child were both living on the effective date of this Act.

*Children Born of Void Marriages Made in Good Faith Deemed Legitimate*— This Act<sup>5</sup> amended Section 8568(a), which makes void all marriages contracted while either of the parties has a former spouse living, by adding a proviso to the effect that when either of the parties enters into the marriage contract in good faith and in ignor-

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3. Ratification No. 284, approved April 27, 1951.

4. Ratification No. 346, approved May 2, 1951.

5. Ratification No. 209, approved April 13, 1951.

ance of the incapacity of the other party, any children born of the marriage shall be deemed legitimate and shall have the same legal rights as a child born in lawful wedlock.

*Unemployment Compensation Law — Provisions Relating to Subcontractors Eliminated from Definition of "Employing Unit"* — This Act<sup>6</sup> amends Subsection (e) of Section 7035-99, which defines "employing unit" under the South Carolina Unemployment Compensation Law, by eliminating therefrom the provisions relating to subcontractors. This was accomplished by striking out the first sentence of the second paragraph of the subsection.

*Investment of Trust Funds by Fiduciaries* — The Act<sup>7</sup> amended Section 9051, relating to investment of trust funds by fiduciaries, by striking it out and re-writing it. Because of the great length of the Section, it was broken down into subsections. This should be of considerable help in understanding the Section.

The Section now permits investment in the shares of any building and loan association organized and existing under the laws of this State when such shares are insured by the Federal Savings and Loan Insurance Corporation and also now permits limited investment in the shares of any management type investment company or investment trust which is registered under the Federal Investment Company Act of 1940 as from time to time amended.

No limitation is placed upon the amount that may be invested in the shares of building and loan associations, presumably because these shares are insured by the Federal Savings and Loan Insurance Corporation. The limitations placed upon investments in the shares of management type investment companies or investment trusts are the same as those placed upon investments in common or preferred stocks of any corporation. The percentage of the corpus of the trust that may be invested in the stock or stocks of any one corporation was increased from five (5%) per cent to ten (10%) per cent. This limitation also applies to the shares of any one management type investment company or investment trust.

As the Section is now written, subsection (e) contains the limitations on the amount that may be invested in common or preferred stocks of corporations and in shares of management type investment companies and investment trusts. This limitation is thirty (30%) per cent of the corpus of the trust. The subsection also contains the limitations on the amount that may be invested in the stocks of any

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6. Ratification No. 295, approved April 27, 1951.

7. Ratification No. 350, approved May 2, 1951.

one corporation or any one management type investment company or investment trust.

A provision was added at the end of subsection (e) to the effect that the subsection shall not apply to any funds of a minor ward as to which the testator or donor making a gift of such funds or property shall, in the will or other written declaration filed with the probate court, expressly authorize the minor ward's guardian to invest without limitation in such corporate stocks or shares of such management type investment companies or investment trusts as the Section permits. Such funds or property of the minor ward shall not be considered in determining the percentage of any other funds or property of the minor ward that his guardian may invest in accordance with subsection (e).

*Lynching*—This Act<sup>8</sup> defines the crime of lynching, provides for the punishment thereof, defines a mob, and provides for speedy investigation of mob violence.

Lynching in the first degree is defined as "any act of violence inflicted by a mob upon the body of another person which results in the death of the person". The punishment is death unless the jury recommends mercy, in which case the penalty is confinement at hard labor from five to forty years.

Lynching in the second degree differs from that of the first degree in that death does not result. The punishment is confinement at hard labor from three to twenty years.

A mob is defined as "the assemblage of two or more persons, without color or authority of law, for the premeditated purpose and with the premeditated intent of committing an act of violence upon the person of another".

All persons present as members of a mob when an act of violence is committed are guilty as principals.

It is made the duty of the sheriff of the county and the solicitor of the circuit wherein the crime occurs to investigate speedily and to identify the members of the mob. The solicitor is given summary power to conduct any necessary investigation and to subpoena witnesses and take testimony under oath.

*Burning Crosses and Wearing Masks*—This Act<sup>9</sup> makes it unlawful for any person over sixteen years of age, while on public property, to wear a mask or other device which conceals the identity of the wearer, or to demand entrance upon the premises of another

8. Ratification No. 304, approved April 28, 1951.

9. Ratification No. 199, approved April 10, 1951.

while wearing a mask, or to take part in any meeting or demonstration upon the private property of another while wearing a mask unless written permission has been obtained from the owner. These provisions do not apply: (1) to persons wearing traditional holiday costumes; (2) to persons wearing gas masks used in civil defense drills or emergencies; (3) to persons wearing masks in theatrical productions or masquerade balls; or (4) to persons engaged in employment where masks are worn for the protection of the worker.

The Act also makes it unlawful to burn a cross in a public place or upon private property unless written permission has been obtained from the owner.

Violation of the Act is made a misdemeanor. The punishment is a fine of not more than five hundred (\$500.00) dollars or imprisonment in the county jail for not more than twelve months.

*Income Tax*—This Act<sup>10</sup> made notable changes in the income tax law of this State as it affects individuals. Article VIII of the Act contains all of the income tax provisions. Section 1 of the Article amended Section 2449 so as to allow individuals to take advantage of a ten (10%) per cent standard deduction in lieu of actual deductions. Section 4 amended Section 2449 so as to provide that federal income taxes paid by individuals may be taken as a deduction, but there is a limit placed on the amount deductible under this provision. Section 2449 was further amended by Section 2 so as to allow medical expenses as a deduction. This deduction has the same limitation which is contained in the present federal law. Section 3 amended Section 2441 so as to raise the combined personal exemption of a husband and wife from \$1,800 to \$2,000 and to raise the exemption for dependents from \$200 to \$400. Of particular interest to persons in the Aiken and Barnwell area is Section 5 of Article VIII which provides that no gain or loss shall be recognized upon the sale, under condemnation or threat of condemnation, of property to the United States during 1951 and 1952 for use as a part of the site of the Savannah River Plant of the Atomic Energy Commission.

*Uniform Support of Dependents Act*—The purpose of this Act<sup>11</sup> is set forth in Section 1 as follows: "The purpose of this Act is to secure support in civil proceedings for dependent wives, children and poor relatives from persons legally responsible for their support".

The Act authorizes and prescribes the procedure for civil proceedings to compel the support of dependent wives, children, and poor

10. Ratification No. 256, approved April 19, 1951.

11. Ratification No. 222, approved April 13, 1951.

relatives within and without the State, and it provides for reciprocity with other states having a substantially similar law. Only a brief discussion of the Act will be undertaken here.

Before passage of this Act, there was no civil procedure to enforce support of abandoned dependents when the person liable therefor absconded to another state. The only legal hold upon such a person was a criminal process which was impractical because of extradition costs, the limited nature of the criminal statute, and the fact that the arrest of the person usually destroyed the source of income. See Section 1123.

In an attempt to combat this problem, the Act confers additional jurisdiction and powers upon courts in support proceedings against persons residing in other states having substantially similar laws. The Act authorizes courts to take testimony in all proceedings to compel support of dependents residing within the jurisdiction of the court in any case where the person legally liable therefor resides in a state having substantially similar laws. Testimony and the court's recommendation taken under this Act would be forwarded to the proper court in the state where the person legally liable for support is located. After the proper procedure has been complied with, the court in the latter state would be empowered to fix a definite amount for support to be forwarded to the family. Taking of depositions and cross examination in both states is authorized.

The Act should enable the states which adopt it to deal more effectively with non-support cases. During the 1949 and 1950 sessions of their legislatures, thirteen states and two possessions enacted similar legislation. These were Maine, New Hampshire, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Kentucky, Indiana, Illinois, Iowa, Oklahoma, Puerto Rico, and the Virgin Islands.<sup>12</sup>

*Divorces — Affidavit from a Party in the Armed Forces and Serving Without the Continental Limits of the United States to the Effect that Reconciliation is Impossible Shall be Accepted by the Court in Lieu of Certification that an Unsuccessful Attempt to Reconcile the Parties Has Been Made*<sup>13</sup>—In the old Act,<sup>14</sup> as amended by Act No. 988 of the Acts of 1950, Section 6 provided that a reconciliation of the parties must be attempted and that the master or special referee, to whom the cause is referred, must certify in his report that an attempt has been made to reconcile the parties and that his efforts were

12. Suggested State Legislation, November, 1950.

13. Ratification No. 592, approved May 24, 1951.

14. Act 137 of the Acts and Joint Resolutions of South Carolina, 1949.

unavailing. If the case has not been referred, then the trial judge must state in his decree that he has made the attempt. The latest Act provides that when either of the parties is a member of the Armed Forces and is serving without the continental limits of the United States, an affidavit by such party, taken before any officer of the Armed Forces authorized to administer an oath, to the effect that, so far as he is concerned, a reconciliation is impossible, shall be accepted by the court in lieu of the certification that an unsuccessful attempt to reconcile the parties has been made.<sup>14a</sup>

*Residence in Actions for Divorce*—This Act<sup>15</sup> amended Section 3 of Act No. 137 of the Acts of 1949 so that the divorce law now provides that actions for divorce may be instituted when either party has resided in the state for a period of one year prior to the commencement of the action. Before this amendment, the law provided that the plaintiff must have resided in the state for one year prior to the action.<sup>15a</sup>

*Allowance of Alimony and Suit Money in Actions for Legal Separation*—This Act<sup>16</sup> provides that the allowance of alimony and suit money in all actions for legal separation shall be made according to the principles controlling such allowances in actions for divorce.

*Issuance of Corporate Charters*—This Act<sup>17</sup> repealed Act No. 744 of the Acts of 1950 which prohibited the use of certain designated words in the names of the corporations. Another Act<sup>18</sup> was passed dealing with the same subject but containing a more general prohibition. Instead of listing prohibited names, the new Act forbids the Secretary of State to issue any charter containing a corporate name which may be confused with the name of any nationally recognized veterans' organization unless there is attached to the application for the charter a certificate, from the governing body of the State Chapter of the veterans' organization approving the use of the proposed name.

*Jurisdiction of Magistrates*—This Act<sup>19</sup> amended Section 3709 by substituting a new section which provides, in part, that magistrates shall have exclusive jurisdiction in all cases in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days, except where the offense is within the jurisdiction of the

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14a. See 3 S. C. L. Q. 253, 278 (1951).

15. Ratification No. 576, approved May 24, 1951.

15a. See 3 S. C. L. Q. 253, 271 (1951).

16. Ratification No. 476, approved May 24, 1951.

17. Ratification No. 243, approved April 21, 1951.

18. Ratification No. 244, approved April 21, 1951.

19. Ratification No. 490, approved May 24, 1951.



magistrate is included in the charge of an offense beyond his jurisdiction, or where it is permissible to join the charge of the offense within his jurisdiction with one or more of which the magistrate has no jurisdiction. In the excepted cases, magistrates are granted concurrent jurisdiction.

*Stop-Payment Orders*—This Act<sup>20</sup> provides that stop-payment orders relating to checks or drafts shall not be effective for more than one year unless renewed. Unlimited renewals, each effective for six months, are provided for. All stop-payment orders made before the passage of this Act will expire on May 18, 1952, unless renewed. The Act provides that no bank, etc., is required to pay a check or draft upon which a stop-payment order has been issued and has expired unless the depositor has notified the bank in writing of the withdrawal of the order.

**The following Acts may also be of interest:**

*An Act* which provides for issuance, without payment of a fee, of certified copies of public records relating to births, deaths, marriages, or divorces in certain cases, all of which cases relate to servicemen or veterans.<sup>21</sup>

*An Act* which changes the penalty for dynamiting fish from a felony to a misdemeanor.<sup>22</sup>

*An Act* which amends Act No. 858 of the Acts of 1950, known as the South Carolina Election Law, by eliminating the necessity for municipal registration and by further providing for municipal elections.<sup>23</sup> Section 3 of this Act was amended by a later Act.<sup>24</sup>

*An Act* which amends Section 8633, relating to the custody of minors, so as to provide that deeds of the custody of minors, except deeds to an agency or department of this State authorized bylaw to receive or place the custody of children, shall not be valid unless approved by the Court of Common Pleas.<sup>25</sup>

*An Act* which repeals Section 3122, relating to contingent expenses of civil actions in which the State has an interest.<sup>26</sup>

*An Act* which amends Section 1770 so as to make it unlawful to catch or take fish by the use of electric currents.<sup>27</sup>

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20. Ratification No. 546, approved May 18, 1951.  
 21. Ratification No. 283, approved April 27, 1951.  
 22. Ratification No. 331, approved May 2, 1951.  
 23. Ratification No. 133, approved March 21, 1951.  
 24. Ratification No. 321, approved April 27, 1951.  
 25. Ratification No. 539, approved May 21, 1951.  
 26. Ratification No. 517, approved May 24, 1951.  
 27. Ratification No. 472, approved May 24, 1951.

*An Act* which amends Section 5134, as amended, so as to further provide for issuance of certificates or certified records of births, deaths, marriages, and divorces registered with the State Health Department.<sup>28</sup>

*An Act* which requires subversive organizations subject to foreign control, foreign agents, members of subversive organizations and organizations subject to foreign control, and certain other persons to register with the Secretary of State of South Carolina.<sup>29</sup>

*An Act* which amends Section 3632, as amended, relating to prerequisites for the recording of deeds, so as to make certain changes in the requirements for the administering of oaths to persons in the Armed Forces.<sup>30</sup>

*An Act* which gives a bank, cash depository, or trust company the option to refuse payment of a check or other demand instrument presented more than one year from its date.<sup>31</sup>

*An Act* which amends Section 7789 so as to permit foreign corporations to loan money secured by mortgages on real estate located in South Carolina without domesticating herein.<sup>32</sup> The Act requires such corporation to register and pay a fee to the Secretary of State. The Secretary of State is designated as the agent of such corporations upon whom service of process shall be made. Another Act,<sup>33</sup> not yet approved by the Governor, repeals Sections 7777 through 7789. Approval of this other Act would repeal the Act which amended Section 7789.

*An Act* which amends Section 7902, relating to the remedies of trust companies doing safe deposit business, so as to provide that any bank carrying on the same business shall have the same remedies.<sup>34</sup>

*An Act* which amends Section 7904, relating to foreign trust companies lending money on real estate in South Carolina, by striking out the last sentence thereof.<sup>35</sup> This sentence provides that the Secretary of State shall issue a license to such trust companies incorporated under the laws of another state upon the approval of the State Board of Bank Control.

*Another Act*,<sup>36</sup> not yet approved by the Governor, repeals Sections

28. Ratification No. 480, approved May 24, 1951.

29. Ratification No. 487, approved May 24, 1951.

30. Ratification No. 514, approved May 24, 1951.

31. Ratification No. 520, approved May 18, 1951.

32. Ratification No. 501, approved May 18, 1951.

33. Ratification No. 437, ratified May 4, 1951.

34. Rrtification No. 521, approved May 18, 1951.

35. Ratification No. 494, approved May 18, 1951.

36. Ratification No. 395, ratified May 4, 1951.

7878 through 7904. Approval of this other Act would repeal the Acts mentioned in the two preceding paragraphs.

### CONSTITUTIONAL CHANGES

Three amendments to the Constitution of South Carolina, 1895, of State-wide importance and one amendment to the Constitution of the United States were ratified by the 1951 session of the General Assembly. Also of State-wide importance is a proposed amendment to the State Constitution which will be submitted to the people in the general election in 1952 under the terms of a joint resolution passed at this session. A list of these measures follows:

*An Act* to ratify an amendment to Article II, Section 12, of the State Constitution so as to eliminate the necessity of an elector's obtaining an additional registration certificate in order to vote in municipal elections.<sup>37</sup>

*An Act* to ratify an amendment to Article II, Section 4, of the State Constitution so as to eliminate the requirement of the payment of the poll tax before voting in elections.<sup>38</sup>

*An Act* to ratify an amendment to Article XI, Section 5, of the State Constitution so as to eliminate the restrictions on the size and area of school districts.<sup>39</sup>

*A Joint Resolution* proposing an amendment to Article II, Section 2, of the State Constitution, which prohibits any person from holding two offices of honor or profit at the same time, so as to provide that this prohibition shall not apply to any delegate to a constitutional convention.<sup>40</sup>

*A Joint Resolution* ratifying a proposed amendment to the United States Constitution so as to prohibit a person from being elected President of the United States more than twice, or more than once if he has served as President for more than two years of a term to which some other person was elected President.<sup>41</sup> This amendment does not apply to the incumbent. It became effective prior to South Carolina's ratification of it.

### LOCAL ACTS

Anyone familiar with the legislative process in South Carolina is aware of the great volume of local legislation that emerges there-

37. Ratification No. 29, ratified February 8, 1951.

38. Ratification No. 38, ratified February 13, 1951.

39. Ratification No. 39, ratified February 13, 1951.

40. Ratification No. 78, ratified February 28, 1951.

41. Ratification No. 109, ratified March 13, 1951.

from. The following Acts are listed because they should be of interest to the members of the Bar in the particular counties affected thereby. No attempt has been made toward explaining them.

*A joint resolution* proposing an amendment to the State Constitution so as to increase the terms of magistrates in Allendale County from two years to four years.<sup>42</sup>

*An Act* to ratify an amendment to the State Constitution so as to increase the terms of magistrates in Florence County from two years to four years.<sup>43</sup> A similar Act was passed concerning magistrates in Richland County.<sup>44</sup>

*An Act* to ratify an amendment to the State Constitution so as to provide that the General Assembly may increase the jurisdiction of certain magistrates in Darlington County in civil cases.<sup>45</sup> Pursuant to this authority, the General Assembly passed an Act to create a special magistrate's court in Darlington County.<sup>46</sup>

*An Act* to ratify an amendment to the State Constitution so as to establish a county court for Marlboro County.<sup>47</sup> Pursuant to this authority, the General Assembly passed an Act to provide a county court for Marlboro County.<sup>48</sup> Section 10 of this Act was amended by a later Act.<sup>49</sup>

*An Act* which changes the September term of Court of General Sessions for Lee County from the first Monday to the first Tuesday after the first Monday in September.<sup>50</sup>

*An Act* which changes the April term of the Court of Common Pleas for Marlboro County from the fourth Monday to the first Monday in April.<sup>51</sup>

*An Act* which adds another term of the Court of Common Pleas for Aiken County, which term begins the fourth Monday in June for one week.<sup>52</sup>

*An Act* which changes the January term of the Court of General Sessions for Greenwood County from the first Monday to the second Monday in January and which changes the November term of the

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42. Ratification No. 67, ratified February 22, 1951.

43. Ratification No. 59, ratified February 20, 1951.

44. Ratification No. 125, ratified March 14, 1951.

45. Ratification No. 286, ratified April 24, 1951.

46. Ratification No. 147, approved March 22, 1951.

47. Ratification No. 23, ratified February 8, 1951.

48. Ratification No. 106, approved March 14, 1951.

49. Ratification No. 261, approved April 26, 1951.

50. Ratification No. 330, approved May 2, 1951.

51. Ratification No. 88, approved March 7, 1951.

52. Ratification No. 46, approved February 21, 1951.

Court of Common Pleas for Greenwood County from the third Monday to the first Monday in November.<sup>53</sup>

*An Act* which establishes a Domestic Relations Court for Laurens County.<sup>54</sup>

*An Act* relating to the fees and costs required to be paid for the benefit of Laurens County.<sup>55</sup>

*An Act* which provides for a standing master of Richland County in divorce cases.<sup>56</sup> Section 3 of this Act was amended by a later Act.

*An Act* providing for reference of divorce cases and other cases in Anderson County.<sup>58</sup>

*An Act* relating to the Civil and Criminal Court of Charleston.<sup>59</sup>

*An Act* which further provides for the recording of chattel mortgages and certain other instruments in Sumter County.<sup>60</sup>

*An Act* which creates a civil court for a certain portion of Darlington County.<sup>61</sup>

In addition to those Acts heretofore mentioned or discussed, there are still a number of Acts which, as of the date of this writing, have not been approved by the Governor. All of these Acts were ratified on May 4, the date of *sine die* adjournment of the General Assembly. Under Article IV, Section 23, of the State Constitution, the Governor has until the second day of the next meeting of the General Assembly to return these measures with his veto. After that time, they become effective without his signature unless so returned. He may, of course, approve them before that time.

The fact that the Acts listed or discussed below have not yet been approved should not be considered as an indication of an intention on the part of the Governor to veto them. No doubt many of these Acts will be approved during the interval between preparation and publication of this summary.

#### UNAPPROVED ACTS

A list of those Acts not yet approved follows: Footnotes will indicate only ratification numbers because the ratification date of all these measures is the same — May 4, 1951.

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- 53. Ratification No. 578, approved May 14, 1951.
  - 54. Ratification No. 205, approved April 13, 1951.
  - 55. Ratification No. 268, approved April 26, 1951.
  - 56. Ratification No. 68, approved February 23, 1951.
  - 57. Ratification No. 193, approved April 6, 1951.
  - 58. Ratification No. 251, approved April 21, 1951.
  - 59. Ratification No. 651, approved May 14, 1951.
  - 60. Ratification No. 527, approved May 21, 1951.
  - 61. Ratification No. 619, approved May 17, 1951.

*Age Requirement for Making of Wills of Personal Property and Wills of Real Property Made Uniform*— This Act<sup>62</sup> amends Section 8915 by re-writing it in more simple language and by including personal property within the language of the section. The age requirement for the making of a valid will was left at twenty-one years, although the measure as introduced and as originally passed by the House had made the age of eighteen years the requirement.

The changes embodied in this Act were unanimously recommended by the South Carolina Bar Association at its annual meeting in May, 1940.<sup>63</sup> As Section 8915 appears in the 1942 Code, it does not embrace personal property. In the case of wills of personal property there is no applicable statute and so the common law governs them. That law, borrowed from the ecclesiastical court, is that a will of personal property may be made by a minor of the age of fourteen if a male, or twelve if a female. In view of the greater part that personal property plays in the accumulation of wealth today than it played several centuries, or even several years ago, it is hard to justify a difference in age requirements for wills of personal property and wills of real property. Difference in age requirements because of sex is also difficult to justify.

This Act will bring about the desired uniformity in both the respects mentioned in the last paragraph. For a thorough discussion of this problem, see the report of the Committee on Jurisprudence and Law Reform to the South Carolina Bar Association at its meeting in May 1949.<sup>64</sup>

*Punitive Damages Against Railroads for Injuries to Employees*— This Act<sup>65</sup> amends Section 8374, prohibiting punitive damages in actions against railroads for injuries to employees, so as to clarify the exception under which punitive damages may be recovered. The section now reads as follows:

“Section 8374. Punitive damages shall not be recoverable in cases arising under Sections 8366 to 8374 except under circumstances in which exemplary damages are recoverable in cases arising under Section 8339.”

Sections 8366 to 8374 relate to the liability of railroads for injuries to employees. Section 8339 relates to liability of railroads for injury to any person resulting from violation of any rule or regulation of

62. Ratification No. 541,

63. Transactions of South Carolina Bar Association, SOUTH CAROLINA LAW QUARTERLY, Vol. I, Part IV, (June 1949) p. 327.

64. *Ibid.*

65. Ratification No. 440.

the Public Service Commission. Among other things, the section provides that "in cases of wilful violation of law such railroad companies shall be liable to exemplary damages".

*Insolvent Debtor's Law*—This Act<sup>66</sup> amended Sections 853 through 857 by eliminating certain provisions of the Insolvent Debtors' Law of this State. The South Carolina Supreme Court, in the case of *Rayborn v. Reid*,<sup>67</sup> held that the provisions of the South Carolina Insolvent Debtors' Law, insofar as they provide for the discharge of a debtor from his debts, were suspended and made void by the passage of the National Bankruptcy Act. The law which, prior to this amendment, provided for the discharge of the debtor from his debts and from his arrest because of his debts, now provides only for discharge of the debtor from his arrest, the provisions made obsolete by the above decision having been removed.

The following Acts, also not as yet approved by the Governor, may be of interest.

*An Act* which recodifies the law relating to the State Highway Department.<sup>68</sup>

*An Act* which repeals Section 7834, which section permits the organization of certain banks with paid-in minimum capital stock.<sup>69</sup>

*An Act* which amends Section 7723, relating to annual statements of corporations, by changing the time for making such annual statements from "on or before the thirtieth day of December of each and every year" to "within ninety days after the close of each fiscal year of such corporation".<sup>70</sup>

*An Act* which repeals Sections 7911 through 7935, relating to cooperative credit unions.<sup>71</sup>

*An Act* which amends Section 7829-1, as amended, relating to the regulation and powers of the State Board of Bank Control, so as to eliminate therefrom credit unions.<sup>72</sup>

*An Act* which repeals Sections 7777 through 7789, relating to the incorporation in this State of foreign railroad companies desiring to own property or do business in this State.<sup>73</sup> It has been pointed

66. Ratification No. 424.

67. 139 S. C. 529, 138 S. E. 294 (1927).

68. Ratification No. 459.

69. Ratification No. 443.

70. Ratification No. 436.

71. Ratification No. 438.

72. Ratification No. 442.

73. Ratification No. 437.

out that Section 7789 was amended this year,<sup>74</sup> and that approval of this Act would repeal the amending Act.

*An Act* which repeals Sections 7878 through 7904, relating to trust companies.<sup>75</sup> It has been pointed out that Sections 7902 and 7904 were amended this year<sup>76</sup> and that approval of this Act would repeal the amending Acts.

*An Act* which creates a civil court for a certain portion of Kershaw County.<sup>77</sup>

*Five Acts* relating to bond issues were also ratified at this session. These Acts authorize and prescribe the procedure for :

- (1) The issuance of paving bonds by incorporated cities and towns;<sup>78</sup>
- (2) The issuance of general obligation bonds by incorporated cities and towns;<sup>79</sup>
- (3) The refunding of general obligation bonds of municipal corporations and political subdivisions;<sup>80</sup>
- (4) The issuance of general obligation bonds by the several counties of the State;<sup>81</sup> and
- (5) The issuance of general obligation bonds for school purposes.<sup>82</sup>

If approved, these Acts relating to bond issues should be of invaluable help to local authorities and should serve to reduce materially the volume of local legislation that is annually enacted.

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74. Ratification No. 501, approved May 18, 1951.

75. Ratification No. 395.

76. Ratification Nos. 521 and 494, both approved May 18, 1951.

77. Ratification No. 479.

78. Ratification No. 677.

79. Ratification No. 678.

80. Ratification No. 676.

81. Ratification No. 671.

82. Ratification No. 691.