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Foreward

Coleman Karesh

University of South Carolina School of Law

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SURVEY OF SOUTH CAROLINA LAW

FOREWORD

The survey of South Carolina law which follows in these pages is the work of the Committee on Review of Case Law of the South Carolina Bar Association. The personnel of the Committee were appointed by the then President of the Association, Samuel L. Prince, Dean of the School of Law of the University of South Carolina, in May, 1953. The Committee owes its existence in the first place to Dean Prince, who saw the desirability for such a survey, not only in terms of actual need but as a part of what is becoming a nation-wide pattern.

The period under survey covers the decisions of the Supreme Court of South Carolina from May 1, 1953, to May 1, 1954. It would probably be better to bracket the decisions within a year's term of the court, but in order to have material available for publication in the September issue of the Quarterly—which will be the issue regularly used—the cut-off point was fixed as May 1.

Although the Committee is styled as one to review case law, it has been deemed advisable to include legislation in the respective fields assigned to members of the Committee. It is felt that a better picture of the state of the law as a whole can thus be obtained. Although the June issue of the Quarterly regularly contains a summary of legislation enacted at the session immediately concluded, the reference to relevant legislation by the writers of the Committee is not unduly repetitive and aids to round out the writers' subjects. Federal decisions in cases arising in the State or dealing with South Carolina law have not been assigned, for the reason that they do not represent in themselves authoritative holdings in local law or may be limited to construction of Federal law. However, it is believed that in the future Federal cases should be included, at least so far as they deal with local law, so as to indicate in any event the impact of state law in the Federal courts. In view of the expanded nature—present and future—of the work of the Committee, the name of the Committee should—and probably will—be changed to Committee on Annual Survey of South Carolina Law.

The effort of the Committee is, at this stage, experimental, and its future work will be shaped by experience. There will be changes, particularly of addition, in the subjects assigned to

members of the Committee. For example, Damages is not one of the specific subjects assigned, yet it is clear that the attention paid by the Supreme Court to the subject as an individual one warrants special treatment instead of its being carried as an appendage to other subjects.

There will be observed in the various writings considerable overlapping. This is inevitable, since the same factual situation may present several features of law. It is hoped that in the future overlapping and duplication will be reduced to a minimum if not altogether eliminated.

It is hardly necessary to add that the views of the topic-writers are their own. Their opinions are personal, not collective and not official. No restriction has been placed upon the utterance of criticism—which in any survey not purely narrative is bound to occur, and not infrequently (and understandably) when a writer has been on the losing side of the case he discusses.

The officers of the South Carolina Bar Association, and particularly this Chairman and the editorial staff of the Quarterly, hope that this maiden effort will be successful and worth-while. Whether it will be continued as a project of the Association depends upon the reaction of the members of the Association and other readers of the Quarterly. If readers will respond and make known their views as to the usefulness and continued desirability of this review, those in charge will be guided accordingly.

In conclusion, the Chairman—and he speaks also for the officers of the Association and for the Quarterly—wishes to thank the members of the Committee for their cooperation. Every one of them is a busy man, and his contribution has meant a sacrifice of time and energy. They can derive satisfaction in the knowledge that their contributions add, in their necessary way, to the vast collection of materials in the storehouse of the law.

COLEMAN KARESH,
Chairman.

September, 1954.