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Recent Legislation

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RECENT LEGISLATION

A SUMMARY OF THE ENACTMENTS OF THE 1952 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 1952 General Assembly which is of importance or interest to the practicing attorneys of South Carolina. Not all state-wide legislation falls within this category and some of it has been omitted. Local legislation of interest to members of the Bar in the particular counties affected thereby has been listed.

The Acts reviewed here have been cited by giving their ratification numbers and dates of approval by the Governor. The dates given in connection with resolutions proposing constitutional amendments are the dates of their ratification by the General Assembly. All code section numbers refer to the Code of Laws of South Carolina, 1942.

CLASS APPOINTMENTS TO INDUSTRIAL COMMISSION ELIMINATED

Following a recommendation by the Governor, an Act¹ was passed amending Section 7035-54 so as to eliminate any reference to the members of the South Carolina Industrial Commission being representatives of any particular class or group of citizens.

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

Under the provisions of this Act² the license of each operator or driver, and the registrations of each owner, of a motor vehicle involved in an accident which results in the physical injury or death of any person or in property damage in excess

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1. Ratification No. 803, approved February 27, 1952.
2. Ratification No. 752, approved February 14, 1952.

of fifty dollars will be suspended by the State Highway Department within sixty days after the accident unless the operator, driver, or owner deposits security in an amount which is sufficient, in the judgment of the department, to satisfy any judgments for damages, resulting from the accident, which may be recovered against the operator, driver, or owner. The maximum deposit of security which may be required by the department is five thousand dollars (\$5,000.00) in cases involving the bodily injury or death of one person, ten thousand dollars (\$10,000.00) in cases involving the bodily injury or death of two or more persons, and one thousand dollars (\$1,000.00) in cases involving the damage to or destruction of property. The Act provides that certain types of liability insurance or bonds will be considered as fulfilling the security requirements of the Act, but the policies and bonds must meet the maximum security requirements.

When no deposit of security is made in any form, the licenses and registrations will remain suspended until one year has elapsed since the accident and no action for damages has been instituted against the operator, driver, or owner concerned, or until evidence of a release from liability, a duly acknowledged written agreement, or a warrant for confession of judgment has been filed with the department.

Article IV of the Act contains provisions relating to the proof of financial responsibility for the future. When a judgment upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle is rendered against a person, that person, in order to have his license and registrations reinstated, must satisfy the judgment up to the maximum limits of the Act and must maintain proof of financial responsibility for the future. Certain liability insurance policies, bonds or deposits of cash or securities will be accepted as proof of financial responsibility for the future. This proof must be maintained only for a period of three years if during that time the person concerned has done no additional act which would require or permit the suspension or revocation of his license or registrations.

The Act does not provide for compulsory liability insurance, but its provisions make such insurance desirable. In order to avoid causing hardship to those who might be considered by insurance companies as "poor risks" and to avoid hardship on the companies themselves, the Act provides for

a plan which will allow these "poor risks" to get insurance and which will allow these risks to be shared by the various companies issuing automobile liability policies in this state.

Since this Act will not take effect until January 1, 1953, after the publication of the Acts of 1952, a more detailed discussion of the Act is unnecessary.

**DIVORCE ACT AMENDED—HABITUAL DRUNKENNESS TO BE
CONSTRUED TO INCLUDE HABITUAL DRUNKENNESS CAUSED
BY THE USE OF ANY NARCOTIC DRUG**

This Act³ amended Section 2 of the Divorce Act,⁴ which section sets forth the grounds for divorce, by adding, after "habitual drunkenness" the following: "provided, that this ground shall be construed to include habitual drunkenness caused by the use of any narcotic drug."

**DIRECTORS OF BUSINESS CORPORATIONS—MAXIMUM NUMBER
INCREASED**

This Act⁵ amended Section 7729, relating to the organization of business corporations, so as to increase from fifteen to seventeen the maximum number of directors that a corporation may have.

**NO GAIN OR LOSS RECOGNIZED ON FINAL DISTRIBUTION OF
THE ASSETS OF CORPORATIONS IN CERTAIN CASES**

The income tax law was amended by an Act⁶ which provides that in any case in which a corporation is, or has been, forced to liquidate because of the condemnation or the threat of condemnation of all of its real properties or business locations by the United States Government during the period from January 1, 1951 to December 31, 1952, no gain or loss on the distribution of its assets will be recognized.

**RADIO STATION RELIEVED FROM LIABILITY FOR DEFAMATORY
MATTER IN CERTAIN CASES**

This Act⁷ provides that the owner, licensee, or operator of a visual or sound radio broadcasting station or network shall

3. Ratification No. 947, approved April 4, 1952.

4. Act No. 137 of THE ACTS OF 1949.

5. Ratification No. 1001, approved April 23, 1952.

6. Ratification No. 888, approved March 3, 1952.

7. Ratification No. 840, approved February 29, 1952.

not be liable for any damages for any defamatory statement published or uttered in or as a part of a broadcast by a candidate for political office in those cases in which, under the Acts of Congress or the rules and regulations of the Federal Communications Commission, the station or network is prohibited from censoring the material broadcasted by the candidate. In order to benefit from this Act, the owner, licensee, or operator must cause to be made at the conclusion of the broadcast the following announcement in substance: "The broadcast you have just heard was not censored in accord (sic) with the immunity from censorship extended legally qualified political candidates."

PRELIMINARY INVESTIGATIONS TO BE HELD BY MAGISTRATE ON WARRANT ISSUED BY CORONER

Prior to the passage of this Act,⁸ a magistrate was required to hold a preliminary investigation upon the demand of the defendant in any case in which a warrant charging a crime beyond the jurisdiction of the magistrate was issued by the magistrate himself. This Act amends Section 935 so that the magistrate having territorial jurisdiction must also hold a preliminary investigation upon demand of the defendant in cases in which the warrant charging a crime beyond the jurisdiction of the magistrate is issued by a coroner.

DECEDENT'S ESTATES—TIME WITHIN WHICH ACTION MAY BE BROUGHT AFTER NOTICE OF DISALLOWANCE OR DENIAL OF CLAIMS

This Act⁹ amended Section 8999-1, as amended, by rewriting it. This section now provides that when any claim against the estate of a decedent is filed in the Probate Court in which the estate is being administered or with the executor or administrator of the estate and the claimant, or his attorney who filed the claim, receives written notice from the Probate Court that the claim has been disallowed or from the executor or administrator, or the attorney for the executor or administrator, that the claim is denied and will be contested, the claim shall be forever barred unless action to enforce the claim is brought within six months after receipt of the written

8. Ratification No. 954, approved April 23, 1952.

9. Ratification No. 920, approved April 15, 1952.

notice. The section is now worded so as to cover cases in which the claim is filed with the executor or administrator and cases in which the written notice that the claim is denied or that it will be contested is received from the executor or administrator or the attorney for the executor or administrator. Otherwise, there appears to be no change in the meaning of the section.

MOTOR CARRIERS—TWO YEAR STATUTE OF LIMITATIONS FOR RECOVERY OF UNDERCHARGES AND OVERCHARGES

This Act¹⁰ amends Chapter 162 of the Code, relating to motor bus and truck lines, by adding Section 8516-1. The section prescribes a two-year statute of limitations for the recovery of overcharges against, and the recovery of undercharges by, motor carriers subject to Chapter 162. The statute begins to run when the cause of action accrues. The cause of action by a carrier accrues upon delivery or tender of delivery. The cause of action against a carrier accrues at the time charges are paid to the carrier. If a claim for an overcharge has been presented in writing to a carrier within the two-year period, the period shall be extended to include six months from the time notice of disallowance of the claim or any part thereof was given in writing by the carrier to the claimant.

CONDEMNATION OF LAND BY MUNICIPAL CORPORATIONS

This Act¹¹ provides that any municipal corporation which desires to become the owner of any land or to acquire an easement or right of way therein, whether the land is within or without the corporate limits, shall have the right to condemn the land or the easement or right of way. The condemnation shall be made in the same manner as condemnations are made by railroad corporations under Sections 8437-8450. This Act does not apply to any property owned by public service corporations or devoted to public use. Condemnation powers under this Act do not extend to properties beyond the boundaries of the county in which the municipality is located.

10. Ratification No. 918, approved April 23, 1952.

11. Ratification No. 930, approved March 13, 1952.

INVESTMENTS OF TRUST FUNDS— INVESTMENTS AND LOANS
BY SAVINGS BANKS, BANKS, TRUST AND INSURANCE COM-
PANIES, JUDGES OF PROBATE, EXECUTORS, ADMINISTRATORS,
GUARDIANS, AND TRUSTEES—COLLATERAL SECURITY
FOR DEPOSITS OF STATE FUNDS

Three sections of the Code were amended so as to include Federal Intermediate Credit Bank debentures issued pursuant to the Federal Farm Loan Act as amended and debentures issued by Central Bank for Cooperatives organized under the Farm Credit Act of 1933 among the securities:

(1) which may be given as collateral security for deposits of State funds under Section 2200;¹²

(2) in which investments may be made, or upon the security of which money may be loaned, by savings banks, banks, trust and insurance companies, judges of Probate, executors, administrators, guardians, or trustees under Section 9049;¹³ and

(3) in which trust funds may be invested by fiduciaries under Section 9051.¹⁴

WRITTEN STATEMENTS—COPY TO BE FURNISHED TO PERSON
GIVING—NOT TO BE QUESTIONED THEREON UNLESS
COPY FURNISHED

This Act¹⁵ provides that when any person employed by the state, or any political subdivision thereof, takes a written statement from any person in an investigation, the person taking the statement shall give to the person making the statement a copy thereof and shall obtain from him a signed receipt for the copy. No witness in any preliminary hearing or criminal proceeding shall be examined or cross-examined concerning any such written statement unless it is first shown that he was given a copy of the statement at the time of its making and that before his examination or cross-examination the witness was given a copy of the statement and a reasonable time to read it. Unless all of the above provisions are complied with, no such statement shall be admissible in evidence

12. Ratification No. 781, approved February 21, 1952.

13. Ratification No. 782, approved February 21, 1952.

14. Ratification No. 783, approved February 21, 1952.

15. Ratification No. 861, approved March 1, 1952.

in any case, nor shall any reference be made to it in the trial of any case.

COPIES OF PUBLIC RECORDS RELATING TO BIRTHS, DEATHS,
MARRIAGES, AND DIVORCES TO BE FURNISHED WITHOUT COST
IN CERTAIN CASES

Act No. 156 of the Acts of 1951, contained substantially the same provisions as this Act,¹⁶ but it was thought that the general repeal clause of Act No. 317, Acts of 1951, which amended the Code section relating to fees to be charged by the State Registrar, had operated to repeal Act No. 156. The Act under discussion provides that officers in charge of public records relating to births, deaths, marriages, and divorces shall furnish, without cost, certified copies of these records upon request accompanied by reliable information that these copies are required by the Federal Government in connection with the administration of the Selective Service Act of 1948, the Dependents Assistance Act of 1950, and all Acts of Congress administered by the Veterans Administration.

INSOLVENT DEBTORS LAW

This Act¹⁷ was passed during the 1951 session of the General Assembly, but was not approved by the Governor until December of 1951. The effect of this Act was discussed in the article on recent legislation which was published in the June, 1951 issue of *The South Carolina Law Quarterly*.^{17a}

INDUSTRIAL SCHOOLS—COMMITMENT TO IN LIEU OF CHAIN
GANG OR STATE PENITENTIARY

This Act¹⁸ provides that the trial judges of the courts of General Sessions, or of inferior courts having concurrent jurisdiction with the courts of General Sessions, may, in their discretion, upon conviction or plea of guilty of any of the following persons, commit them to the following named institutions, subject to all laws, rules, or regulations applicable to each institution, rather than to the chain gang or the state penitentiary:

16. Ratification No. 914, approved April 15, 1952.

17. Ratification No. 424, approved December 28, 1951.

17a. 3 S.C.L.Q. 501 (Jn. 1951).

18. Ratification No. 985, approved April 23, 1952.

- (1) White females under the age of twenty years to the State Industrial School for Girls;
- (2) Negro females under the age of twenty years to the South Carolina Industrial School for Negro Girls;
- (3) White males under the age of seventeen years to the South Carolina Industrial School; and
- (4) Negro males under the age of seventeen years to the John G. Richards Industrial Training School for Negro Boys.

MENTAL HEALTH LAWS REVISED

The laws of South Carolina relating to the hospitalization, detention, guardianship, and treatment of mentally ill and mentally deficient persons and relating to their estates were revised and consolidated.¹⁹

The number of admission procedures has been increased and it will now be possible, if desired by his family, to have a mentally ill person admitted to a private hospital by judicial process.

The powers of the Board of Regents, now called the Mental Health Commission, have been increased so that it now has the supervision of all mental hospitals and mental wards of general hospitals in this state, public and private.

A provision of this Act which will be of particular interest to lawyers is that which gives the states an automatic lien on the real and personal property of every mental patient to the extent of the cost of care and treatment received by the patient in a state hospital. The same lien provision is carried in the General Appropriations Act²⁰ of this year.

Copies of all forms necessary for any of the various admission procedures will be sent to the judges of Probate of the counties and may be obtained from them.

UNEMPLOYMENT COMPENSATION LAW

Several changes were made in the Unemployment Compensation Law.²¹ A limitation was placed upon benefits, to which an otherwise eligible individual will be entitled, by an Act²² which amended Section 7035-83 (d) so as to provide that no otherwise eligible individual who has received maximum total

19. Ratification No. 905, approved March 7, 1952.

20. Ratification No. 744, approved February 15, 1952.

21. Sections 7035-81 through 7035-106, CODE OF LAWS OF SOUTH CAROLINA, 1942.

benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless subsequent to the filing of the initial claim in such preceding benefit year, he shall have earned wages in the employ of a liable employer equal to at least eight times the weekly benefit amount established for him in the preceding benefit year.

Section 7035-86 (b) (1) which, among other things, states that the claimant or any other interested party may file an appeal from the initial determination of a claim was amended²³ so as to define the term "any *other* interested party". "Any *other* interested party", the Act states, "shall include the last employer or employing unit, whether subject to the Act or not and whether benefits may be charged to its account or not, and the last covered employer or any employing unit whose account may be charged with benefits."

Section 7035-87 (c) (3) (I) was amended²⁴ so that, in addition to its former provisions, it now protects employers who ceased to render employment due to the fact that the entrance of one or more of the owners, officers, partners, or the majority stockholders into the armed forces after January 1, 1951, necessitated the close of the business. The law now provides that such an employer's account shall not be terminated and, if certain conditions are met after the discharge or release of such persons from the armed forces, the employer's experience shall be deemed continuous. The amendment defines the reserve ratio of such employers. A further change has been made in this section which prohibits any employer, upon whom an unpaid and outstanding tax execution has been issued with respect to delinquent unemployment compensation tax, from paying his unemployment compensation tax at a reduced rate. The commission may waive this last provision in certain cases. The Act is retroactive to January 1, 1952.

Sections 7035-88 (b) and 7035-88 (c) (1), relating to election to become employers and termination of coverage have been amended²⁵ so as to change the date for the filing of applications for termination of coverage during any calendar year from the thirty-first day of January to the thirtieth day of April. Another proviso of the amendatory Act allows any employer who shall have rendered no employment and paid

22. Ratification No. 823, approved February 29, 1952.

23. Ratification No. 773, approved February 21, 1952.

24. Ratification No. 779, approved February 21, 1952.

25. Ratification No. 776, approved February 21, 1952.

no wages in the state for a continuous period of one calendar year the privilege of submitting an application for termination of coverage upon resumption of employment in the state. This Act is retroactive to January 1, 1952.

Section 7035-87 (c) has been amended²⁶ by adding a new subsection which provides that no transfer of experience rating accounts shall be permitted unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of the transfer shall be paid by the transferring employer when due or assumed by the acquiring employer. This amendment takes effect on July 1, 1952.

Section 7035-99 (m) (1) was amended²⁷ so that the term "wages" does not include any amounts received from the State of South Carolina or the Federal Government by members of the National Guard, and the various reserve units of the armed forces. A further change made by the amendatory Act provides that where an employer acquires substantially all of the property used in the trade of another employer and, immediately after such acquisition, employs an individual who, immediately prior to the acquisition, was employed by the predecessor employer, then, for the purpose of determining whether the successor employer has paid remuneration with respect to employment equal to three thousand dollars (\$3,000.00) to such individual during the calendar year, the remuneration paid by the predecessor shall be considered as having been paid by the successor.

Section 7035-99 (p), which defines the term "benefit year", was amended²⁸ so as to eliminate some verbiage considered unnecessary.

Section 7035-106, which directed the commission to give the "stamp plan" of keeping records and paying benefits a trial, was repealed.²⁹

TRADE-MARKS—REGISTRATION AND PROTECTION

This Act³⁰ provides for the registration and protection of trade-marks. After setting forth certain definitions and specifying certain conditions under which trade-marks may not

26. Ratification No. 780, approved February 21, 1952.

27. Ratification No. 775, approved February 21, 1952.

28. Ratification No. 839, approved February 29, 1952.

29. Ratification No. 774, approved February 21, 1952.

30. Ratification No. 751, approved February 14, 1952.

be registered, the Act makes provision for application to the Secretary of State for registration. A fee of fifteen dollars must accompany the application. The Secretary of State shall, upon the applicant's compliance with the requirements of the Act, issue a certificate of registration. The certificate shall be admissible in evidence as proof of registration of the trade-mark in any judicial proceeding in any court of this state.

Registration is effective for a term of ten years, and is renewable for successive ten year terms. The fee for renewal of a registration is five dollars. Registrations in force on February 14, 1952, the effective date of this Act, expire ten years from the date of the registration or one year after the effective date of this Act, whichever is later; but they may be renewed under this Act. Trade-marks and their registration may be assigned, but the assignments must be in writing and recorded with the Secretary of State.

The Secretary of State is required to keep a public record of all registrations and to cancel registrations under certain conditions.

For convenience of administration, there are established fifty-two general classifications of goods. A single application for registration cannot include goods which fall within different classifications.

Any person who obtains the registration of a trade-mark by any fraudulent means is made liable in damages to the party injured thereby. Provision is also made for damages for use of any reproduction or copy of a trade-mark without the consent of the owner and for the reproduction or copying of any trade-mark and the application of the reproduction or copy to labels, packages, or advertisements with knowledge that the trade-mark is intended to be used to cause confusion or mistake or to deceive. Misuses of trade-marks registered under this Act may also be enjoined upon suit by the owner.

The Act provides that nothing therein shall adversely affect the rights or the enforcement of rights in trade-marks acquired in good faith at any time at common law. Sections 1244-1248 were repealed. These sections were taken from Act No. 424 of the Acts of 1910. That Act was entitled "An Act for the Protection of Labels and Seals of Labor Organizations, Associations and Societies in the State of South Carolina."

The writers are indebted to the Honorable O. Frank Thornton, Secretary of State, for the following information: The Act is known as the "Model Trade-Mark Law." It was recommended by the National Association of Secretaries of State, the National Trade-Mark Association and the Council of State Governments. The old law, Sections 1244-1248 referred to above, made no provision for termination or cancellation of registration; consequently, many obsolete or abandoned trade-marks are still upon the books. The new Act provides for registration for a term of ten years with the privilege of renewal and for the cancellation of registration under certain conditions, one of which is abandonment. The new law provides for the assignment of trade-marks, whereas the old law made no provision for it. Also, the new law dispenses with the requirement under the old law that a description of the label or trade-mark be published, at the expense of the applicant, once a week for three successive weeks in some newspaper published in Columbia. Mr. Thornton also informed the writers that the Attorney General has ruled that the new Act contains no authority for the registration of trade names.

ABANDONED VEHICLES AND OTHER PERSONAL PROPERTY— SEIZURE AND DISPOSITION

This Act³¹ amends Section 110 of the Uniform Act Regulating Traffic on Highways³² by adding a new subsection. Any vehicle or other personal property which is left on any highway over forty-eight hours is declared to be abandoned property. All police officers are charged with the duty of seizing the property and turning it over to the sheriff of the county in which the property is found. The sheriff is required to post notices in three public places setting forth certain facts and stating that the property will be sold if not reclaimed within thirty days. He is also required to mail notices to the owner and any holders of liens on the property if their names can be ascertained by reasonable inquiry.

After lapse of thirty days, the sheriff is required to advertise the property for sale. The property may be reclaimed by the owner or any lienholder at any time before sale by paying all costs. Any person authorized by the sheriff to tow,

31. Ratification No. 702, approved January 25, 1952.

32. ACT NO. 281 OF THE ACTS OF 1949.

haul, or store the abandoned property is given a lien prior to all other liens.

If the property is not reclaimed prior to the time advertised for its sale, the sheriff is directed to sell it. After payment of costs, any excess is paid into the general fund of the county. The governing board of the county is directed to hear any claims for damage by the sale of the abandoned property for a period of two years after the excess is paid into the general fund of the county. The governing board may make awards as the interests of parties may appear, but in no event may the awards exceed the amount paid into the general fund. No appeal shall be made from the decision of the county governing board.

The following Acts may also be of interest:

An Act which prohibits the sale or issuance of hunting licenses outside of the boundaries of the state.³³

An Act which adopts the United States Census of 1950 as a correct enumeration of the inhabitants of the state.³⁴

An Act which fixes the apportionment of members in the House of Representatives.³⁵ The new apportionment was based on the United States Census of 1950. Abbeville, Anderson, Fairfield, Greenwood, Lee, and Williamsburg Counties lost one seat each. Greenville, Lexington, Richland, and Spartanburg Counties gained one seat each. Charleston County gained two seats.

An Act which provides for the distribution of the Code of Laws of South Carolina, 1952.³⁶

An Act which provides for the branding of livestock and the registration and recording of brands.³⁷

An Act which regulates the operation of safety deposit boxes by banks, depositories, and trust companies.³⁸

An Act which repeals Section 7413.³⁹ This section limited the value of property which municipalities of less than one thousand inhabitants could own.

33. Ratification No. 961, approved April 24, 1952.

34. Ratification No. 696, approved January 19, 1952.

35. Ratification No. 879, approved March 3, 1952.

36. Ratification No. 997, approved April 23, 1952.

37. Ratification No. 1012, approved April 23, 1952.

38. Ratification No. 816, approved February 29, 1952.

39. Ratification No. 798, approved February 21, 1952.

An Act which regulates the practice of physical therapy in this state.⁴⁰

An Act which provides for the regulation of the liquefied petroleum gas industry and for the licensing and bonding of any person engaged in the manufacture, distribution, storage, or transportation of liquefied petroleum gas.⁴¹

An Act which provides that the term "livestock" as used in the phrase, "The gross proceeds of sales of all livestock by whomsoever sold," shall be construed to include baby chicks and poults.⁴² The phrase set forth above appears as one of the exemptions to the sales tax.⁴³

A Joint Resolution proposing to amend the State Constitution so as to repeal Section 5 of Article XI which provides that the General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the counties into suitable school districts.⁴⁴

An Act which provides for the propagation, conservation, and the hunting of game and catching of fish in this state.⁴⁵ The purpose of this Act was to codify and consolidate all the game and fish laws of the state.

An Act which provides for the organization, operation, and supervision of cooperative credit unions.⁴⁶ Sections 7911-7935, relating to credit unions, were repealed last year.⁴⁷ It is the understanding of the writers that this was done with the belief that no credit unions still existed in this state. Subsequently it was learned that there are a few still left in the state, and for that reason this Act was passed. This Act is similar to the credit union law which was repealed last year, but a few changes were made. Among these was the placing of credit unions under the supervision of the Commissioner of Labor. They were formerly under the supervision of the Board of Bank Control.

An Act which amends Section 9290 by removing the limitation upon the interest on refunding revenue bonds author-

40. Ratification No. 825, approved February 29, 1952.

41. Ratification No. 854, approved March 1, 1952.

42. Ratification No. 880, approved March 4, 1952.

43. Subarticle III, Article VII, ACT NO. 379 OF THE ACTS OF 1951.

44. Ratification No. 760, ratified February 19, 1952.

45. Ratification No. 1019, approved April 24, 1952.

46. Ratification No. 822, approved February 29, 1952.

47. ACT NO. 415 OF THE ACTS OF 1951.

ized therein.⁴⁸ Section 9290 is a part of Chapter 189, Code of Laws of South Carolina, 1942, which is known as the "Revenue Bond Refinancing Act of 1937."

An Act which defines the tax exempt status of all bonds, notes, and certificates of indebtedness, heretofore or hereafter issued by or on behalf of the United States Government, the State of South Carolina, all political subdivisions of the state, or any agency of the state or any of its political subdivisions.⁴⁹

LOCAL ACTS

The following local Acts should be of interest to the members of the Bar in the particular counties affected thereby:

An Act which provides for the appointment of an Assistant Solicitor for the Ninth Judicial Circuit.⁵⁰

An Act which increases the pay of petit jurors and grand jurors in Sumter County from three dollars a day to five dollars a day.⁵¹

An Act which provides for the filling of vacancies among jury commissioners in Richland County.⁵²

An Act which gives countywide jurisdiction in civil matters to the magistrate of the first magisterial district and the magistrate of the seventh magisterial district of Chester County.⁵³

An Act which gives the magistrate at Taylor in Chick Springs Township, Greenville County, civil and criminal jurisdiction throughout the county.⁵⁴

An Act which establishes a civil and criminal court for a certain portion of Darlington County.⁵⁵

An Act which extends until May 8, 1953, the provisions of Act No. 596 of the Acts of 1947, relating to the establishment and operation of The Juvenile and Domestic Relations Court of Catawba-Ebenezer Townships in York County.⁵⁶

An Act which changes the fees for the master of Chesterfield County.⁵⁷

48. Ratification No. 725, approved February 8, 1952.

49. Ratification No. 762, approved February 22, 1952.

50. Ratification No. 909, approved March 6, 1952.

51. Ratification No. 833, approved February 28, 1952.

52. Ratification No. 973, approved March 27, 1952.

53. Ratification No. 1033, approved April 15, 1952.

54. Ratification No. 754, approved February 15, 1952.

55. Ratification No. 869, approved February 29, 1952.

56. Ratification No. 925, approved March 12, 1952.

57. Ratification No. 768, approved February 21, 1952.

An Act which rearranges the terms of the circuit court in Clarendon, Sumter, and Lee Counties.⁵⁸

An Act which provides for terms of the court of Common Pleas immediately following each term of the court of General Sessions in Allendale County.⁵⁹

An Act which directs the Auditor of Aiken County to report that property located within the Savannah River Project, under condemnation by the United States, was returned for taxes in cases in which the contrary cannot be established with reasonable certainty.⁶⁰

An Act which places the duties imposed on clerks of court under Section 49 of The Highway Act of 1951⁶¹ upon registers of mesne conveyance in Greenville, Charleston, and Spartanburg Counties.⁶² Section 49 of The Highway Act relates to right-of-way papers and condemnation proceedings. All papers required to be filed in offices of clerks of court are to be filed in the offices of the register of mesne conveyance in these three counties.

Joint Resolutions proposing the following amendments to the State Constitution were ratified:

1. To increase the civil jurisdiction of certain magistrates in Marion County to cases involving not more than five hundred dollars (\$500.00).⁶³
2. To increase the civil jurisdiction of all magistrates in York County to cases involving not more than three hundred dollars (\$300.00).⁶⁴
3. To increase the terms of office of magistrates in Horry County from two years to four years.⁶⁵
4. To provide for a county court for Orangeburg County.⁶⁶
5. To establish a county court for Kershaw County.⁶⁷

58. Ratification No. 842, approved February 29, 1952.

59. Ratification No. 1004, approved March 6, 1952.

60. Ratification No. 994, approved March 6, 1952.

61. ACT NO. 329 OF THE ACTS OF 1951.

62. Ratification No. 1087, approved March 12, 1952.

63. Ratification No. 993, ratified March 5, 1952.

64. Ratification No. 853, ratified February 27, 1952.

65. Ratification No. 1044, ratified March 8, 1952.

66. Ratification No. 863, ratified February 28, 1952.

67. Ratification No. 991, ratified March 5, 1952.

UNAPPROVED ACTS

The Acts listed or discussed below have not as yet been approved by the Governor. These Acts had not been in the hands of the Governor for the three days allowed under Section 23 of Article IV of the Constitution at the time the General Assembly adjourned *sine die*. He 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.

CODE OF 1952 ADOPTED

Duplicate Acts were passed which declare that the report of the Code Commissioner to the General Assembly is adopted as the Code of Laws of South Carolina, 1952, and that the code is the only general statutory law of the state on January 8, 1952. One of the Acts is a House Act⁶⁸ and the other is a Senate Act.⁶⁹ Both Acts state that they shall take effect upon their approval by the Governor. Since the Acts are duplicates, it is probable that only one of them will be approved.

INSURANCE ON STATE-OPERATED SCHOOL BUSES

This Act⁷⁰ was drawn as an amendment to the General Appropriations Act of 1951,⁷¹ which, among other things, placed the operation of school bus transportation under the State Educational Finance Commission. This Act requires the Director of the Sinking Funds and Property Division of the State Budget and Control Board to procure insurance contracts which shall give insurance coverage on all state-owned school buses. For passengers of school buses, the contracts are to provide a death benefit of two thousand dollars (\$2,000.00) and hospital and medical expenses up to three thousand dollars (\$3,000.00). For third parties, a maximum recovery of five thousand dollars (\$5,000.00) for any one person or twenty-five thousand dollars (\$25,000.00) for any one accident is provided for death or personal injuries. For damage to property of third persons, the maximum recovery is five

68. Ratification No. 1097, ratified March 8, 1952.

69. Ratification No. 1075, ratified March 8, 1952.

70. Ratification No. 928, ratified March 5, 1952.

71. ACT NO. 379 OF THE ACTS OF 1951.

thousand dollars (\$5,000.00). Benefits for passengers on school buses shall exist without regard to fault or negligence. In general, the insurance for passengers on school buses is to cover any accident which occurs while in, approaching, or returning home from, a school bus.

No punitive damages are allowed under the Act. All actions are to be brought directly against the insurance carrier in the county where the accident occurs. Supplementing of the benefits of the Act by counties or other political subdivisions is prohibited; and all insurance contracts in existence on the effective date of this Act to which any county or other political subdivision is a party, which contracts provide benefits similar to those provided by this Act, are terminated as of the date the coverage provided for by this Act is procured. The provisions of this part of the Act expire on July 1, 1953.

Fifteen thousand dollars (\$15,000.00) is appropriated to the State Educational Finance Commission to settle, adjust, and pay any claims similar to those provided for by this Act. These claims must arise or must have arisen between the time the commission began the operation of the buses and the time the insurance contracts are procured. Persons claiming under this part of the Act must allege and prove a lack of contributory negligence on their part.

Another Act not yet approved requires all milk brought into this state from any point outside the state to be inspected at the place where it is produced.⁷²

72. Ratification No. 922, ratified March 5, 1952.