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Introduction

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In developing this handbook the writer's objective has been two-fold: to provide both student and practitioner with a handy practical manual of the applicable rules of Trial and Appellate Practice in South Carolina; and at the same time to state them in terms of court decisions of this State.

Since the writer has undertaken to have the Supreme Court speak as to what the legal rules are he has tried to be careful not to inject his own opinions, except in those instances where the decisions left a rule in doubt.

This appealed to the writer as being a more practical method than trying to restate, or to attempt to summarize, in his own language, what the court had ruled. The latter would only result in the citation of cases in numerous footnotes. Hence the reader of this volume will find but one footnote at the beginning, and that refers only to the 1952 Code. All cases are either cited or quoted from in the text. The reader's glance will not have to tiresomely dart back and forth to ascertain what authorities support that which he has just read.

The rules of procedural law in South Carolina as represented by leading court decisions have thus far never been gathered together in book form. There has long been a crying need for that to be done. Especially is this true of the procedural rules which are so necessary in the trial of cases and thus aid in seeing that justice is attained. Trial and appellate practice, like evidence, as part of the adjective law without which no court can properly function, is one of the most important branches of that phase. In handy form for both preparation in one's office and trying a case in court, it is hoped that the present volume will be of great practical use. This was the guiding star of the writer in formulating the handbook.

In conclusion, the writer wishes to express his appreciation to those who so graciously aided and encouraged him: to Justice G. Dewey Oxner for his reading of the manuscript and pertinent suggestions and in addition for the Foreword which he so kindly wrote; also, to those who have been associated with the writer in the South Carolina Law School, namely Dean Samuel L. Prince, Professors W. Talley Elliott, George Savage King, David H. Means, Charles H. Randall, Jr., and Librarian Sarah E. Leverette.

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