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Chairman's Foreword

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SURVEY OF SOUTH CAROLINA LAW

CHAIRMAN'S FOREWORD

The second Annual Survey of South Carolina Law, which appears in the pages that follow, is the work of a committee of the South Carolina Bar Association appointed by its president. The committee's origin dates back to the annual meeting of the Association in 1953, at which time it was designated the Committee on Review of Case Law. The present designation of the committee as the Committee on Annual Survey of South Carolina Law is due to the broadening of the scope of the committee's work following the suggestion made in the Foreword to the first survey appearing in the Fall 1954 issue of the *South Carolina Law Quarterly*.

The area of enlargement of the committee's work is the addition of Federal cases on the appellate level concerned with South Carolina substantive law, and the insertion of recent important legislation in the fields assigned to the respective contributors. Other changes, not of major consequence, have also been made. The subject of Constitutional Law in the criminal law field has been divorced from the general subject and is attached to Criminal Law. Evidence in criminal law has likewise been detached from the general subject of Evidence and is now a part of Criminal Law, Evidence and Procedure. Personal Property is no longer a separate subject but is a subdivision of Property, which embraces also Real Property. Damages, which heretofore has been an appendage of various subjects, is made a separate subject. Finally, a number of cases not falling into any large category is dealt with under the general heading of Miscellaneous.

The period under survey embraces decisions handed down between May 1, 1954 and May 1, 1955. Legislation is that of the 1955 session of the General Assembly.

No overall analytical study has been made to discern trends. The reader can form his own conclusions as to the direction that the cases in given fields, or from an even broader perspective, are taking. Nor is there any statistical study which reveals the number of cases heard, the opinion load of the respective justices, the number of unanimous opinions, the dissents, affirmances of lower courts, reversals, modifications, and so on. Such statistics are interesting but not particularly important for the purposes of the Survey.

As in the first survey, the articles of the committee members reflect their own legal personalities. It is this which accounts for a

seeming lack of uniformity of treatment, approach, attitude and style. Except for prescription of methods of citation of cases and statutes, free rein has been given to each contributor to write what he wants in the way he wants. The reader will note that articles range in length from sparse comment to prolific observation. This may, in great measure, be due to the subject matter, but also in some cases perhaps to individual predilections manifested, for example, in this writer's case by a pardonable (it is hoped) professional prolixity. In terms of content there is at one end matter-of-fact recital and at the other there is wringing-dry analysis. In short there is variety. It is hardly necessary to add, any more than in the first survey, that the views of the writers and their criticisms are their own.

Again the Chairman wishes to thank the members of the committee for their contributions, offered willingly and sacrificially, and to express his and the committee's appreciation to the staff of the *South Carolina Law Quarterly* for its work in the editing and publication of this issue.

Comments and suggestions are again invited by the Chairman and the Editor of the *Quarterly*. They will be useful in guiding future policy.

COLEMAN KARESH, *Chairman.*

Fall 1955.