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## Statutory Construction

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## STATUTORY CONSTRUCTION

CLINCH HEYWARD BELSER\*

Only one decision was handed down during the period under review relative to statutory construction. It presented, however, one of the very few cases where the Court had any material evidence to go on in determining the traditional but elusive "legislative intent".

In *Roy L. Mullis v. Celanese Corp.*,<sup>1</sup> the plaintiffs, employees of the defendant, sought, among other things, time-and-a-half pay for Sunday work in the defendant's plant. The defendant was engaged in the "production of cellulose acetate flake and cellulose acetate yarns and fibers". The defendant claimed the protection of § 64-6 of the South Carolina Code,<sup>2</sup> which excused manufacturing establishments involving "chemical manufacturing processes requiring, of necessity, for a normal production schedule, continuous and uninterrupted operation" from the restrictions applicable to certain other classes of plants (generally speaking, textile plants) and the requirements for time-and-a-half pay. Admitting that it could not determine from the "bare language of the statute" whether respondent was entitled to the protection of § 64-6, the Court happily turned to the legislative background of the section. The Court found that the section was the codification of a 1950 Act adopted upon the recommendation of a House Committee appointed to study the defendant's operation. The report of the House Committee specifically considered the problem of Sunday operation at the plant and recommended enactment of a bill then pending before the House to permit work by its employees on Sunday without payment of overtime. The bill was enacted and later codified into § 64-6. In the Court's view the legislative history was conclusive on the point and held in favor of the defendant.

The Court also summarily disposed of plaintiffs' contention that § 64-6 was "special" legislation and violative of the equal protection clauses of the Constitution upon the familiar prin-

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\*Belser and Belser, Columbia, S. C.

1. 234 S. C. 380, 108 S. E. 2d 547 (1959).

2. CODE OF LAWS OF SOUTH CAROLINA § 64-6 (1952).

ciple that the General Assembly may classify businesses for purposes of the Sabbath observance statutes if based upon "pertinent and substantial differences rationally justifying the diversity."