

STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
COLUMBIA

March 26, 1948

Honorable J. Strom Thurmond, As Governor,
State House
Columbia, S. C.

My dear Governor Thurmond:

This will acknowledge receipt of your letter of March 26th, reading as follows:

"Attached hereto is House Bill No. 1440, Senate Bill No. 1308, and Act No. 813, of the 1948 Session of the General Assembly, which was ratified March 25, 1948. Please give me your opinion as to whether or not this Act is constitutional.

"In view of the fact that I must act immediately on this matter, it is requested that you let me have your opinion today. Also, please return the Act with your opinion.

"Thanking you, and with kindest regards and best wishes."

In reply I advise that in the very recent case of Ashmore, et al. vs. Greater Greenville Sewer District, et al. 211 S. C. Advance Sheet No. 2, page 77, 44 S. E. (2d) 88, where the Mayor of the City of Greenville and the Chairman of the County Board of Commissioners for Greenville County, were made members of the Board of Trustees, created by the Act therein question, our State Supreme Court held that:

"The Constitution contains another prohibition which (in addition to its applicability to the members of the legislature) prevents legal membership upon the Board of the mayor of the City of Greenville who is designated in the Act as a member.

COPY

Governor Thurmond -

- Page 3 -

The "one trustee" to be chosen annually by the Spartanburg County Board of Education to be selected from the High School District at large, may be chosen as this Act provides, but, in my opinion, is the only trustee who may legally serve. As to the other trustees this Act is invalid.

Yours very truly,

Attorney General.

JMD/d
encs.
Act returned.

COPY