

1975 WL 29454 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1975

**\*1 RE: Service of Process on Legal Holidays**

Honorable Wheeler M. Tillman  
House of Representatives  
State House  
P. O. Box 11225  
Columbia, South Carolina 29211

Dear Sir:

In reply to your inquiry on the present status of the law concerning service of litigation papers on legal holidays, it seems to be clear that there can be no civil service made on Sundays. § 10-471 Code of Laws of South Carolina (1962). As to other legal holidays, the Code contains nothing which would prohibit such service. See Title 64, 'Sundays, Holidays, and Other Special Days'.

In order to clarify the subject it should be pointed out that where service was attempted on Sunday and defendant's counsel later appeared in court that such appearance amounted to a waiver and subjected defendant thereby to the jurisdiction of the court. [H. S. Chisolm, Inc. v. Klinger](#), 229 S.C. 8, 91 S.E.2d 538 (1956).

Sincerely,

Wallace Smith  
Law Clerk

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