

1975 S.C. Op. Atty. Gen. 233 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4179, 1975 WL 22474

Office of the Attorney General

State of South Carolina

Opinion No. 4179

November 12, 1975

*1 Dr. Robert L. Stephenson
Director and State Archeologist
Institute of Archeology and Anthropology
University of South Carolina
Columbia, SC 29208

Dear Dr. Stephenson:

We are in receipt of your recent letter in which you requested an opinion from this Office concerning whether or not South Carolina Code of Laws, 1962, as amended, Section 54–321 et seq., applies to rivers or only the water three miles off-shore.

The title to the Act which established the Salvage laws states that this is an act to provide for State control of Salvage Operations in navigable waters within the State and in certain coastal waters of the Atlantic Ocean and to provide a penalty (emphasis added)

Section 54–321 states

. . . the title to all bottoms of navigable waters within one marine league seaward from the Atlantic seashore from the mean low-water mark, and the title to all shipwrecks, vessels and all things therein . . . which have remained unclaimed for more than ten years on such bottoms is hereby declared to be in the State of South Carolina.

The legislature is always presumed to know the meaning of the words they use in legislation. 82 C.J.S. Statutes § 316(b). The title to an act is to be considered in construing the statute and is to be used as a guide to legislative intent. It may also be resorted to in case of an ambiguity in the act. [Crouch v. Benet](#), 198 S.C. 185, 17 S.E. (2d) 320 (1941); [Ponder v. City of Greenville](#), 196 S.C. 78, 12 S.E. (2d) 851 (1941); 82 C.J.S. Statutes § 350. From the language of the title and the statute, it is apparent that the legislature intended to give the title to all artifacts found in the navigable waters of the State and the waters surrounding the State one marine league seaward, to the State.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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