

1975 WL 29201 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 24, 1975

*1 Sections 41-101 et seq. and Sections 41-151 et seq. should be read together to effectuate the intent of the draftsmen and ejectment and distraint proceedings may be initiated simultaneously or for the same rental period.

TO: Representative Wheeler Tillman

QUESTION PRESENTED:

Whether Sections 41-101 et seq. and Sections 41-151 et seq. which provide for ejectment and distraint respectively may be used against a tenant either simultaneously or for the same rental period.

STATUTES, CASES, ETC.:

Section 41-101 et seq., Code of Laws of South Carolina

Section 41-151 et seq., Code of Laws of South Carolina

DISCUSSION:

In your letter of October 15, 1975, to the Attorney General, you raised the question as to whether Sections 41-101 et seq. and Sections 41-151 et seq. which provide for ejectment and distraint respectively may be used against a tenant either simultaneously or for the same rental period. It is generally stated that 'statutes relating to the same subject or having the same general purpose are in pari-materia and should be construed together and given whole effect.' 31 Words and Phrases, Pari-Materia, at p. 125.

CONCLUSION:

It is therefore the opinion of this Office that Sections 41-101 et seq. and Sections 41-151 et seq. should be read together to effectuate the intent of the draftsmen and distraint proceedings may be initiated simultaneously or for the same rental period. This conclusion is reached in part by reason of the fact that if the sections were read separately a practical effect would be that the landlord would have no recourse for the back rent once the tenant is ejected.

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