DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2008 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at [LPITS@scstatehouse.net](mailto:LPITS@scstatehouse.gov) regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 1.

GENERAL PROVISIONS

**SECTION 18‑1‑10.** Title covers all appeals in civil and criminal actions; exceptions.

The only mode of reviewing a judgment or order in a civil or criminal action, other than the mode prescribed for particular matters in Titles 14, 15 and 17, shall be as prescribed by this Title.

**SECTION 18‑1‑20.** Definitions.

As used in reference to courts and court procedure in this Title the following terms shall be interpreted as follows:

(1) The words “real property” and “real estate” are coextensive with lands, tenements and hereditaments;

(2) The words “personal property” include money, goods, chattels, things in action and evidences of debt;

(3) The word “property” includes real and personal property; and

(4) The word “clerk” signifies the clerk of the court in which the action is pending and, in the Supreme Court or the court of appeals, the clerk of the county mentioned in the title of the complaint or in another county to which the court may have changed the place of trial, unless otherwise specified.

**SECTION 18‑1‑30.** Who may appeal.

Any party aggrieved may appeal in the cases prescribed in this Title.

**SECTION 18‑1‑40.** Appeals by corporations in criminal cases.

In all criminal cases against corporations the right of appeal shall be preserved and the procedure therein shall be such as is now provided by law in other appeals in criminal cases.

**SECTIONS 18‑1‑50, 18‑1‑60.** Repealed by 1985 Act No. 100, Section 2, eff July 1, 1985.

UNDER FORMER Section 18‑1‑50

In general 1

1. In general

Rule that order directing nonparty to participate in discovery is not immediately appealable is consistent with Section 18‑1‑30, limiting appellate review to parties aggrieved by a judgment or order below; an aggrieved party is one who is injured in a legal sense or one who has suffered an injury to person or property. Ex parte Whetstone (S.C. 1986) 289 S.C. 580, 347 S.E.2d 881.

**SECTIONS 18‑1‑50, 18‑1‑60.** Repealed by 1985 Act No. 100, Section 2, eff July 1, 1985.

**SECTION 18‑1‑70.** Notice of appeal shall stay execution of sentence.

In criminal cases service of notice of appeal in accordance with law shall operate as a stay of the execution of the sentence until the appeal is finally disposed of.

**SECTION 18‑1‑80.** Confinement until bail given.

Pending such appeal the defendant shall still remain in confinement until he give bail in such sum and with such sureties as to the court shall seem proper.

**SECTION 18‑1‑90.** When bail may be allowed.

Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years.

**SECTION 18‑1‑100.** Amendment to cure failure to perfect appeal.

When a party shall give, in good faith, notice of appeal from a judgment or order and shall omit, through mistake, to do any other act necessary to perfect the appeal or to stay proceedings the court may permit an amendment on such terms as may be just.

**SECTION 18‑1‑110.** Repealed by 1985 Act No. 100, Section 2, eff July 1, 1985.

**SECTION 18‑1‑120.** How parties shall be designated on appeal.

The party appealing shall be known as the appellant and the adverse party as the respondent. But the title of the action shall not be changed in consequence of the appeal.

**SECTION 18‑1‑130.** Review of intermediate orders affecting judgment.

Upon an appeal from a judgment the court may review any intermediate order involving the merits and necessarily affecting the judgment.

**SECTION 18‑1‑140.** Judgment on appeal.

Upon an appeal from a judgment or order the appellate court may reverse, affirm or modify the judgment or order appealed from as to any or all of the parties and may, if necessary or proper, order a new trial. When the judgment is reversed or modified the appellate court may make complete restitution of all property and rights lost by the erroneous judgment.

**SECTION 18‑1‑150.** Certiorari to magistrate or municipal court.

Whenever a person shall have been convicted in a municipal court or a magistrate’s court such person shall have the right, upon petition, to obtain from any circuit judge or justice of the Supreme Court at chambers or in open court a writ of certiorari requiring such municipal court or magistrate to certify the entire record of the case together with a copy of the municipal ordinance or a reference to the statute involved, as the case may be, and including the rulings, findings and sentence, returnable at such time as such circuit judge or justice of the Supreme Court may direct, and upon the hearing of the writ such circuit judge or justice of the Supreme Court shall have the same jurisdiction of the entire matter as circuit judges now have in cases appealed from municipal courts or magistrate’s courts.

**SECTION 18‑1‑160.** Where undertakings shall be filed.

The various undertakings required to be given by this Title must be filed with the clerk of the court, unless the court expressly provides for a different disposition thereof.

**SECTION 18‑1‑170.** Rules of construction.

The rule of the common law that statutes in derogation of that law are to be strictly construed has no application to this Title.