

12-26-1947

## Governor Thurmond's Inability to Proclaim a Bank Holiday on December 26, 1947. (Not used)

Strom Thurmond

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*not used*

STATEMENT OF J. STROM THURMOND, GOVERNOR OF SOUTH  
CAROLINA, ON HIS INABILITY TO PROCLAIM A BANK HOLIDAY  
ON DECEMBER 26, 1947.

The South Carolina Bankers Association has asked me to proclaim a  
bank holiday on Friday, December 26, 1947.

The Attorney General has ruled that I am legally unable to do so.

The Attorney General's ruling follows:

'In reply (to your request) I advise that Section 7050 of the Code of  
1942 "enumerates" the Legal Holidays in South Carolina. It says:

"National Thanksgiving days and all general election days, and also  
the first day of January, the nineteenth day of January, the twenty-second day  
of February, the tenth day of May, the third day of June, the fourth day of July,  
the first Monday in September, the eleventh day of November and the twenty-fifth  
day of December in each and every year shall be legal holidays: Provided, That  
each first Monday in any month shall be a legal day of judicial or sheriff's  
sales or the transaction of any legal business."

'This office knows of no law conferring on the Governor the power and  
authority to amend Section 7050 - by declaring the 26th of December, of any other  
day, a legal holiday. No inherent authority rests in the Governor to declare a  
holiday.

'In addition to the above Section 7054 of the Code of 1942 gives the  
law applicable to "Banks and Cash Depositories" and as to how they shall proceed  
and what days are, for them, legal holidays.'

The law relating to the Governor's power to declare bank holidays  
follows:

'In addition to the holidays enumerated in Section 7050-7051-7052-7053 of the Code of Laws for 1942, at the request of the Chairman of the State Board of Bank Control and the President of the South Carolina Banker's Association, the Governor may declare any other day or days of the year legal holidays for banks and cash depositories, Provided, However, That this power shall not be exercised except in case of an emergency'

The Chairman of the State Board of Bank Control (Mr. Jeff Bates, State Treasurer) and the President of the South Carolina Bankers Association (Mr. I.P. White, of Lake City) have not asked me to declare Friday, December 26, 1947, a holiday. No emergency exists that I know of.

Therefore, I could not issue such a proclamation without violating the law which I have sworn to uphold.

I am entirely in sympathy with the desire of banks to give their employees an additional holiday after Christmas Day.

I would like to see the bank holiday act amended so as to make a holiday on December 26 of every year possible. I will be happy to sign such a bill if the next Legislature sees fit to pass it.