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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

July 7, 1999

The Honorable Glenn F. McConnell  
Senator, District No. 41  
27 Bainbridge Drive  
Charleston, SC 29407

Re: Confederate Relic Room

Dear Senator McConnell:

You have requested an opinion on the issue of who owns the items in the collection of the Confederate Relic Room. I apologize for not getting this to you sooner.

I met with Dot Broome and several other ladies from the United Daughters of the Confederacy. They showed me a copy of the list kept by the State Treasurer of Relic Room artifacts donated through 1987.

For many years beginning before 1900 and continuing well after then, all items in the Relic Room collection were items which individuals had donated or loaned to the South Carolina Division of the United Daughters of the Confederacy. This is reflected, for instance, in the 1908 Minutes of the South Carolina Division of the UDC, which state that the Relic Room collection is "the property of the [South Carolina] Division." The State's role was originally, and primarily still is, the donation of space in a State building for the housing of the collection, as well as providing funds for the salaries of the persons who supervise the collection.

While all of the artifacts donated in earlier years were intended to be the property of the UDC, the facts are not always as clear in later years. For the later donations, the records held by the State Treasurer do not always contain a clear indication that each given item was donated to any particular entity, whether the State or the UDC. The records held by the Treasurer only run through 1987.<sup>1</sup>

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<sup>1</sup> Presumably either the UDC or the Relic Room maintains a list of later donations and accessions to the collection.

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The ownership of individual items is in each instance a question of the intent of the donor. As already noted, there is apparently no real question that for most of the years of the collection's existence, the donors understood that they were making donations to the UDC rather than to the State. If a question should arise about the ownership of a particular item donated in later years, however, it obviously would be necessary to examine the appropriate donation record to determine whether there is any indication of the donor's intent. If no intention is specifically stated or readily inferable, it would probably be necessary for a court to make a determination about the donor's intent. Unfortunately, it does not appear that any general presumption or rule can be stated which would cover all donations where the intent is unspecified. The question is simply one which would need to be addressed on a case-by-case basis.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

Please let me know if I may provide additional information or assistance.

Sincerely yours,



Kenneth P. Woodington  
Senior Assistant Attorney General

KPW/rho