

1981 WL 158029 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 27, 1981

\*1 Thomas J. Sexton  
Detective Corporal  
Department of Police  
County of Charleston  
Charleston, South Carolina 29405

Dear Detective Sexton:

Thank you for your letter of October 21, 1981, concerning the Precious Metals Act. As I understand it, your question is how to compute the seven day holding period required by [Section 40-54-50\(B\) of the South Carolina Code of Laws](#), which provides: (B) All precious metals purchased by a dealer shall be held by the dealer at his permanent place of business or at another suitable location in the State of South Carolina without being sold, melted or altered in any manner, for a period of seven days from the purchase date . . .

South Carolina Code of Laws Section 15-1-20 provides as follows:

'The time within which an act is to be done shall be computed by excluding the first day and including the last; provided, however, that if the last day of the period so computed is a Saturday, a Sunday, or a legal holiday, such day shall be excluded and the time period shall run until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.'

Although this section has specific application to civil proceedings, the Supreme Court held in [State v. Platt 154 S.C. 1, 151 S.E. 206 \(1930\)](#), that this section codifies ' . . . the usual rule of computing time . . . ' In the Platt case, the Supreme Court addressed the computation of the three day time period found in the following provision of Section 17-19-80:

'Whoever shall be accused and indicted for any capital offense whatsoever shall have a true copy of the whole indictment, . . . delivered to him, three days at least before he shall be tried for such offense . . . '

The Supreme Court held that if the indictment was delivered to the defendant on a Monday, the trial could properly be held on the following Thursday.

Thus, it is the opinion of this Office that the seven day holding period found in [Section 40-54-50\(B\) of the South Carolina Code of Laws](#) is to be computed by excluding the day of purchase, and that the purchased item may lawfully be resold, melted or altered on the seventh day thereafter. In other words, if an item is purchased on the first day of a month, it may properly be disposed of on the eighth day of that month.

I hope this letter has been of assistance to you, and if I can be of any further help, please do not hesitate to contact me.

With best personal regards, I am  
Yours very truly,

John M. Barton  
Assistant Attorney General

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