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RECENT LEGISLATION

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RECENT LEGISLATION

ACT OF 1948 GENERAL ASSEMBLY—Will Validly Executed in Foreign Jurisdiction Capable of Probate in South Carolina.—In the article on recent legislation, "*A Resume of the More Important Acts of the 1948 General Assembly*. IX Selden Society Yearbook, Part III, at page 59, an important piece of legislation passed in 1948 was not included. Entitled "An act to make effective and provide for the proof and admission to probate in the State of South Carolina last wills and testaments executed in conformity with the laws of the state or place of execution or domicile of the testator or testatrix and to provide for the administration of estates so devised and bequeathed", the act reads as follows:

"BE IT ENACTED by the General Assembly of the State of South Carolina:

SECTION 1: WILL, LEGALLY EXECUTED IN FOREIGN STATE OR COUNTRY DEEMED LEGALLY EXECUTED AND MAY BE ADMITTED TO PROBATE AND THE ESTATE THEREUNDER ADMINISTERED—Any last will and testament which has been duly executed in any foreign state or country in accordance with the laws thereof, whether or not such foreign state or country be the domicile of the testator or testatrix, shall be deemed legally executed and of the same force and effect as if executed in the manner prescribed by the laws of South Carolina, and such last will and testament so executed may be filed, proven, and admitted to probate, and the estate so devised or bequeathed under the terms thereof may be administered, in this state in the county in which the testator or testatrix resided at the time of his or her death, in like manner as in case of wills executed within this state, and in the mode prescribed by the laws thereof. **PROVIDED**, that any such last will and testament shall be in writing and subscribed by the testator or testatrix.

SECTION 11: All Acts or parts of Acts inconsistent herewith are hereby repealed."¹

1. Acts 1948, Number 652.

It is to be noted that this new statute does not *specifically* repeal Sections 8936, 8948, 8949, 8950, or 8950-1 of the 1942 Code of Laws of South Carolina, which up to the present time have been the basis for getting a will executed in a foreign state admitted to probate in South Carolina.

MARY STEWART