CHAPTER 13

Property Ownership by Aliens

**SECTION 27‑13‑10.** Aliens and foreign corporations entitled to same property as natural‑born citizens.

Real and personal property of every description may be taken, acquired, held and disposed of by an alien, subject to the provisions of Sections 27‑13‑30 and 27‑13‑40, in the same manner in all respects as by a natural‑born citizen. And a title to real or personal property or every description may be derived through, from or in succession to an alien, in the same manner in all respects as through, from or in succession to a natural born citizen. Foreign corporations shall have and exercise all rights granted to aliens in this section.

HISTORY: 1962 Code Section 57‑101; 1952 Code Section 57‑101; 1942 Code Sections 8687, 8907; 1932 Code Sections 8687, 8907; Civ. C. ‘22 Sections 5209, 5328; Civ. C. ‘12 Sections 3446, 3556; Civ. C. ‘02 Sections 2360, 2469; G. S. 1768, 1847; R. S. 1880, 1981; 1872 (15) 72, 73; 1873 (15) 488.

CROSS REFERENCES

Constitutional provision directing General Assembly to limit land ownership by aliens, see SC Const, Art 3, Section 35.

Library References

Aliens 5.

Corporations 655, 656.

Westlaw Topic Nos. 101, 24.

C.J.S. Aliens Sections 139 to 152, 154 to 162, 164 to 165.

C.J.S. Corporations Section 890.

C.J.S. Wills Section 95.

RESEARCH REFERENCES

Treatises and Practice Aids

Bogert ‑ the Law of Trusts and Trustees Section 168, Capacity to be a Beneficiary‑Special Cases.

Attorney General’s Opinions

Property owned by a decedent alien who is survived by aliens as next of kin does not escheat to the State. 1975‑76 Op. Atty Gen, No. 4239, p 27.

NOTES OF DECISIONS

In general 1

1. In general

Applied in Tucker v. Atlantic Coast Lumber Co. (S.C. 1907) 78 S.C. 134, 59 S.E. 859.

An alien who is not an alien enemy may acquire and contract concerning property in this State in the same manner as a natural‑born citizen. Hume, Small & Co. v. Providence Washington Ins. Co. (S.C. 1885) 23 S.C. 190.

**SECTION 27‑13‑20.** Titles derived through aliens legalized.

Any citizen or alien who, prior to December 19, 1807, entered into any bona fide contract or received any grant or other deed of conveyance for or relating to any real property in this State or who derived their titles from or through aliens, either mediately or immediately, shall hold and enjoy it in fee simple or for any less estate, according to the nature of his contract, grant or other deed of conveyance, any law, usage or custom to the contrary thereof in any wise notwithstanding; provided, that nothing contained herein shall be so construed as to interfere with or at all invalidate any grant of real property which may, before December 19, 1807, have been made by the General Assembly unto any person or any body corporate or to affect in any measure descents cast before the date aforesaid.

HISTORY: 1962 Code Section 57‑102; 1952 Code Section 57‑102; 1942 Code Section 8686; 1932 Code Section 8686; Civ. C. ‘22 Section 5208; Civ. C. ‘12 Section 3445; Civ. C. ‘02 Section 2359; G. S. 1767; R. S. 1879; 1807 (5) 547.

Library References

Property 1.

Westlaw Topic No. 315.

C.J.S. Property Sections 1 to 5, 17, 19, 21, 30 to 31, 37 to 38.

**SECTION 27‑13‑30.** Limitation on alien land ownership.

No alien or corporation controlled by aliens, either in his or its own right or as trustee, cestui que trust or agent, shall own or control within the limits of this State more than five hundred thousand acres of land. Nothing in this section shall apply to lands owned or controlled by any such person or corporation nor to lands mortgaged to such a person or corporation on March 9, 1896, nor shall this section apply to lands conveyed by an alien to a corporation controlled by such alien.

HISTORY: 1962 Code Section 57‑103; 1952 Code Section 57‑103; 1942 Code Section 7790; 1932 Code Section 7790; Civ. C. ‘22 Section 4053; Civ. C. ‘12 Section 2689; Civ. C. ‘02 Section 1795; 1896 (22) 211; 1945 (44) 51; 1955 (49) 98; 1956 (49) 2971.

CROSS REFERENCES

Right of alien to take as heir under the South Carolina Probate Code, see Section 62‑2‑112.

Library References

Aliens 5.

Corporations 655, 656.

Westlaw Topic Nos. 101, 24.

C.J.S. Aliens Sections 139 to 152, 154 to 162, 164 to 165.

C.J.S. Corporations Section 890.

C.J.S. Wills Section 95.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mortgages Section 12, Capacity of Parties.

Treatises and Practice Aids

Bogert ‑ the Law of Trusts and Trustees Section 168, Capacity to be a Beneficiary‑Special Cases.

Restatement (3d) Property (Wills & Don. Trans.) Section 1.3, Noncitizens.

NOTES OF DECISIONS

In general 1

1. In general

SC Const, Art 3, Section 35 and this section cannot be held to mean anything more than that the State may take from an alien any land held by him in excess of 500 (now 500,000) acres, and that courts will not aid an alien to recover more than 500 (now 500,000) acres. Tucker v. Atlantic Coast Lumber Co. (S.C. 1907) 78 S.C. 134, 59 S.E. 859.

The assignee of an alien may enforce the right to specific performance of contract to convey more than 500 (now 500,000) acres of land. Tucker v. Atlantic Coast Lumber Co. (S.C. 1907) 78 S.C. 134, 59 S.E. 859. Specific Performance 17

**SECTION 27‑13‑40.** Limitation on alien land ownership; lands acquired on foreclosure of mortgage.

But Section 27‑13‑30 shall not apply to land purchased under proceedings, either by action or power of sale, to foreclose any mortgage acquired after March 9, 1896 by any alien or corporation controlled by aliens, but in such case such alien or corporation controlled by aliens shall not be entitled to hold such excess of land more than five years, unless the Comptroller General shall certify that a sale during that time would be materially detrimental to the interest of such alien or corporation controlled by aliens, in which case such alien or corporation controlled by aliens may hold such land for five years longer upon the same conditions.

HISTORY: 1962 Code Section 57‑104; 1952 Code Section 57‑104; 1942 Code Section 7790; 1932 Code Section 7790; Civ. C. ‘22 Section 4053; Civ. C. ‘12 Section 2689; Civ. C. ‘02 Section 1795; 1896 (22) 211.

CROSS REFERENCES

Right of alien to take as heir under the South Carolina Probate Code, see Section 62‑2‑112.

Library References

Aliens 5.

Corporations 655, 656.

Westlaw Topic Nos. 101, 24.

C.J.S. Aliens Sections 139 to 152, 154 to 162, 164 to 165.

C.J.S. Corporations Section 890.

C.J.S. Wills Section 95.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Mortgages Section 12, Capacity of Parties.

NOTES OF DECISIONS

In general 1

1. In general

Quoted in Tucker v. Atlantic Coast Lumber Co. (S.C. 1907) 78 S.C. 134, 59 S.E. 859.