

C A P. II.

An ACT relating to WILLS, LEGACIES, and EXECUTORS, and for the Settlement and Distribution of the ESTATES of INTESTATES.

BE it enacted, by the Governor, Council and Assembly, That every Person in this Government shall have Power to give and devise, by his or her last Will and Testament, in Writing, and subscribed by the Party so giving and devising, or by some other Person in his or her Presence, and by his or her express Directions and Authority, and attested and subscribed in the Presence of the Devisor, by Three or more credible Witnesses, any Lands, Tenements, or Hereditaments, whereof he or she shall, at the Time of his or her so giving or devising the same by such Will, be lawfully seized either of a sole Estate in fee simple, or of any Estate in Coparcenary, or in common in Fee Simple, in Possession, Reversion, or Remainder, as much as in him, or her of right is to the said Lands, Tenements, and Hereditaments, or in like manner to devise any Rents or Profits out of the same at his or her Pleasure.

Any Person may, by last Will and Testament, devise Lands, &c.

Provided Nevertheless, That Wills made for any Lands, Tenements, or Hereditaments, or of any Rents or Profits out of the same, by any *feme Covert*, or Person within the Age of Twenty-one Years, Idiot, or of unsound Mind, shall not be good in Law.

Feme Coverts, &c. excepted.

III. *And be it further enacted,* That no Devise in Writing of any Lands, Tenements, or Hereditaments, shall be revocable otherwise than by some other Will or Codicil, also in Writing, subscribed in the Presence of Three or more Witnesses.

No Devise in Writing to be revocable, except by another Will or Codicil in Writing.

IV. *Be it further enacted, by the Authority aforesaid,* That from and after the Publication hereof, no *nuncupative* Will shall be good, where the Estate thereby bequeathed may exceed the Value of *Thirty Pounds*, except the same be proved by the

No nuncupative Will to be deemed valid, except proved by the Oath of three Witnesses, &c.