

witnesſes, who put the ſame in writing after his death; ſuch a will properly evidenced, and proved as below directed, is of force and effect for the perſonal eſtate only; lands, tenements and hereditaments not being deviſable by it.

How to be
executed.

By ſtatute 29 Car. 2, ch. 3, it is enacted, that “ no *nuncupative* will ſhall be good, where
 “ the eſtate thereby bequeathed ſhall exceed
 “ the value of thirty pounds, that is not proved
 “ by the oaths of three witneſſes, at the leaſt,
 “ that were preſent at the making thereof; nor
 “ unleſs it be proved that the teſtator at the
 “ time of pronouncing the ſame, did bid the
 “ perſons preſent, or ſome of them, bear wit-
 “ neſs that ſuch was his will, or to that effect:
 “ nor unleſs ſuch *nuncupative* will were made in
 “ the time of the laſt ſickneſs of the deceaſed,
 “ and in the houſe of his or their habitation or
 “ dwelling, or where he or ſhe hath been re-
 “ ſident for the ſpace of ten days, or more,
 “ next before the making of ſuch will, except
 “ where ſuch perſon was ſurpriſed or taken
 “ ſick, being from his own home, and died
 “ before he returned to the place of his or her
 “ dwelling.”

“ And be it further enacted, that after fix
 “ months paſſed after the ſpeaking of the pre-
 “ tended