

WILLS AND TESTAMENTS. 81

of lands, for the statute requires that the deviser of land be twenty-one years of age.

Idiots, lunaticks during the time of their infanity, a person overcome with liquor, during the time of his drunkenness, cannot make a will. Who may not make a will.

What degree of weak understanding makes a man incapable to make a will, is not to be exactly defined—when the objection is made, the enquiry will determine, whether the party knew what he did, when he did the act. Vid. Swin. 8, 76, 78, 79, 80, 83—Mod. 759—C. Co. 23.

Wills extorted by terror, or restraint, or obtained by fraud, are not good. Sin. 475, 476—Str. 427—2 P. Will. 286—Burr. rep.

A traitor, and felon cannot make a will of his own chattels; tho' he may, of what he hath as executor. Swin. 97, 98.

If a man willingly kill himself, his will of chattels is void. Swin. 106. But not of lands, because the lands are not forfeited. 3 Inst. 55.