

304. No devise, legacy, or bequest shall lapse or fail of taking effect by reason of the death of any devisee or legatee (actually and specially named as devisee or legatee, or who is or shall be mentioned, described, or in any manner referred to, or designated or identified as devisee or legatee in any will, testament or codicil,) in the lifetime of the testator; but every such devise, legacy, or bequest shall have the same effect and operation in law to transfer the right, estate, and interest in the property mentioned in such devise or bequest, as if such devisee or legatee had survived the testator.

305. In every will whereby any lands or real property shall be devised to any person, and no words of perpetuity or limitation are used in such devise, the devisee shall take under and by virtue of such devise, the entire and absolute estate and interest of the testator in such lands or real property, unless it shall appear, by devise over or by words of limitation or otherwise, that the testator intended to devise a less estate and interest.

306. No nuncupative will shall be good where the estate bequeathed thereby shall exceed the value of three hundred dollars, that is not proved by the oaths of three witnesses at least, who 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, to bear witness 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 habitation or dwelling, or where he hath been resident 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 dwelling.

307. Six months after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony, or the substance thereof, were committed to writing within six days after the making of the said will; but any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his movables, wages, and personal estate as heretofore.

308. A wife shall have a right to make a will, and give all her property, or any part thereof, to her husband, or to other per-