

CHAP. CL.  
Rules, &c. to be the law of the land.

III. AND BE IT ENACTED, That the following rules, orders and regulations, shall be taken, held and considered, in all courts, tribunals and offices, and by all judges, justices and officers in this state, to be the law of the land.

CHAP. I.  
How wills shall be made, and their effect.

1. ALL lands, tenements and hereditaments, which might pass by deed, or which would, in case of the proprietor's dying intestate, descend to, or devolve on, his or her heirs or other representatives, except estates tail, shall be subject to be disposed of, transferred and passed, by his or her last will, testament or codicil, under the following restrictions.
2. No will, testament or codicil, shall be effectual to create any interest or perpetuity, or make any limitation, or appoint any uses, not now permitted by the constitution or laws of the state.
3. No will, testament or codicil, shall be good and effectual for any purpose whatever, unless the person making the same be, at the time of executing or acknowledging it as hereafter directed, of sound and disposing mind, and capable of executing a valid deed or contract. No will, testament or codicil, shall be good and effectual to pass any interest, or estate in any land, tenement, or incorporeal hereditament; unless the person making the same, if a male, be of the full age of twenty-one years, and if a female, of the full age of eighteen years.
4. All devises and bequests of any lands or tenements, devisable by law, shall be in writing, and signed by the party so devising the same, or by some other person in his presence, and by his express directions, and shall be attested and subscribed, in the presence of the said devisor, by three or four credible witnesses, or else they shall be utterly void and of none effect; and moreover, no devise in writing of lands, tenements or hereditaments, or any clause thereof, shall be revocable, otherwise than by some other will or codicil in writing, or other writing declaring the same, or by burning, cancelling, tearing or obliterating the same by the testator himself, or in his presence; and by his directions and consent; but all devises and bequests of lands and tenements shall remain and continue in force until the same be burnt, cancelled, torn or obliterated, by the testator, or his directions in manner aforesaid, or unless the same be altered by some other will or codicil in writing, or other writing of the devisor, signed in the presence of three or four witnesses, declaring the same, any former law or usage to the contrary notwithstanding.

CHAP. 2.  
How wills shall be authenticated or proved.

1. IF any person, to whom a will or codicil hath been or shall be delivered by the party making it for safe custody, shall alter or destroy the same, without the direction of the said party, or wilfully secrete it for the space of six months after the death of the party shall be known to him or her, on conviction thereof the person so offending shall be sentenced to such punishment as is inflicted by law in cases of grand larceny.
2. It shall be lawful for any private person, in whose possession or custody a will or codicil shall be, after the death of the testator or testatrix, to open and read the same in the presence of any near relatives of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter to deliver the said will or codicil to the register of wills, or the register or clerk of any office in the county authorised to record wills, whose duty it shall be to keep the same safe, until proceedings may be had for proving the same in the said office, or until it be demanded by an executor, or other person authorised to demand it, for the purpose of having it proved according to law.
3. If any private person, in whose possession or custody a will or codicil shall be, after the death of the testator or testatrix, shall wilfully neglect to deliver the same to the register of wills, or the register or clerk of any office proper for recording wills in the county where the said person resides, or where it is proper to prove the same, or to some executor named in the will, for the space of three calendar months after the death of the testator or testatrix shall be known to the said person, he or she, thus offending, shall be subject, on conviction in a court of law, to such fine as the court shall in their discretion think proper.
4. An attested copy, under the seal of office, of any will, testament or codicil, recorded in any office authorised to record the same, shall be admitted as evidence in any court of law or equity, provided that the execution of the original will or codicil be subject to be contested until a probat hath been had according to this act.
5. Any will, or codicil, containing any disposition relative to goods, chattels or personal estate, may be proved in the county where most of the witnesses reside, or in the county in which letters testamentary, or of administration may be granted.
6. If any will or codicil, making any disposition relative to goods, chattels, or personal property or rights, or appointing an executor, be exhibited for proof to the register of wills in the county wherein the will may be proved, in the recess of the court, and any of the next relations of the deceased shall attend, and make no objections, or enter no caveat, or if it shall appear that reasonable notice hath been given to such of the next relations as might conveniently be therewith served, of the