

her common conversation shall for every such offense pay half-a-crown or suffer three days' imprisonment at hard labor.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed November 27, 1700, Chapter 99, and the Act passed January 12, 1705-6, Chapter 160.

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## CHAPTER XLIII.

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### AN ACT CONFIRMING DEVISES OF LANDS AND VALIDITY OF NUNCUPATIVE WILLS.

To the end that lands and hereditaments may be enjoyed by the devisee and his heirs as amply as lands granted by deed by the grantee:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That all wills in writing wherein or whereby any lands, tenements or hereditaments within this province or territories are or shall be devised, shall be as good and authentic in law (according to the tenure thereof) as any other conveyance for granting of such lands and premises, whether the said wills be made within or out of this province or territories.

Provided, the same be legally proved within this province or territories within six months after the death of the testator, or within eighteen months if the devisee live out of this government.

And for the preventing of all disadvantages and hardships that may accrue to any person for want of due proof of nuncupative or verbal wills, or by any pretending the same where no such will really is:

[Section II.] Be it enacted by the authority aforesaid, That all nuncupative wills made within this province or territories shall be of full force for all goods and chattels thereby devised or bequeathed.

Provided always, That the said nuncupative wills shall be reduced into writing within two days after the decease of the said testator, and subscribed by two sufficient witnesses who were present and heard the testator make the will, to be attested by any justice of the peace of the truth of the said nuncupative or verbal will within ten days after the death of the said testator; which said will being proved in the register's office in this province and territories within six months next after the testator's death, shall be good and valid in law, according to the purport thereof, for all goods and chattels therein bequeathed, as if the same had been originally made in writing by the testator and duly executed as aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That no will or testament or nuncupative will of any person *non compos mentis*, or not in his or her right mind and understanding, at the time of the making thereof, shall be good and valid in law.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly, passed January 12, 1705-6, Chapter 133.

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#### CHAPTER XLIV.

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#### AN ACT TO PREVENT THE GRIEVOUS SINS OF CURSING AND SWEARING WITHIN THIS PROVINCE AND TERRITORIES.

Whereas the sins of cursing and swearing are odious and abominable to Almighty God and all good men, and may draw down God's judgments upon any nation, country or province where such grand offenses go unpunished; for the prevention whereof, and to deter and punish all such persons within this province or territories as shall swear or accustom themselves to swearing or cursing:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That if any person or persons within this province or territories, from and after the publication hereof, shall swear in his or her common conversation by the name of God, Christ