

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valid in law, according to the purport thereof, for all goods and chattels therein bequeathed, as if the same had been originally made in writing by the testator and duly executed as aforesaid.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Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6.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

or Jesus, and shall be legally convict thereof by one or more credible witnesses before any one justice of the peace of the town or county where such offense was committed, shall for the first offense forfeit and pay the sum of five shillings, for the use of the poor of the county where such offense was committed, or suffer five day's imprisonment in the House of Correction at hard labor, and to be fed with bread and water only during that time; and for the second offense, six shillings, or six days' imprisonment as aforesaid; and for the third offense, ten shillings, or ten days' imprisonment as aforesaid; and for the fourth offense, shall be fined at the discretion of the county court, in any sum not exceeding five pounds, or be compelled to work in prison at hard labor, not exceeding two months, and shall be deemed a common swearer, and shall be liable to be whipped and to receive twenty-one lashes once in every three months, during the sitting of the county court, for seven years.

[Section II.] And be it further enacted by the authority aforesaid, That whosoever shall swear by any other name or thing, and is legally convict thereof, shall pay for every such offense half-a-crown, or suffer three day's imprisonment in the House of Correction, at hard labor, and to be fed with bread and water as aforesaid.

Section III.] And be it further enacted by the authority aforesaid, That whosoever shall willfully, premeditatedly and despitefully blaspheme or speak loosely and profanely of Almighty God, Christ, Jesus, the Holy Spirit or the Scriptures of Truth, and is legally convicted thereof, shall forfeit and pay the sum of ten pounds, for the use of the poor of the county where such offense shall be committed, or suffer three months' imprisonment at hard labor, as aforesaid, for the use of the poor. And whosoever shall at any time curse himself or any other, or anything belonging to himself or any other, and is legally convicted thereof, shall pay for every such offense five shillings, or suffer five days' imprisonment as aforesaid.

Passed November 27, 1700; allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Queen in Council, February 7, 1705-6, and not acted upon. See Appendix I, Section II, and the Acts of Assembly, passed March 7, 1745-46, Chapter 369, and March 30, 1779, Chapter 833; repealed by the Act of Assembly, passed March 31, 1860, P. L. 451.