

# TESTAMENTARY SYSTEM.

12. Any nuncupative will may be repealed, revoked or rendered void, by any writing in the hand of the party, or made by another person by his direction, or by parole evidence of the serious declaration of the party, made in the presence of three or more credible persons, whom he shall request to bear witness that the said will should be repealed or rendered void, or stand for nought.

13. All goods, chattels or personal estates, which the deviser hath, at the time of his death, may be passed by a general or residuary devise.

14. It is not the intention or meaning of this act to direct or ascertain what things shall be held and considered as an implied revocation, or revocation in law, of any last will, testament or codicil, but there shall be the same construction in all courts of law or equity with respect to such implied revocations, or revocations in law, as if this act had not been made.

## C H A P. II.

### *How wills shall be authenticated or proved.*

1. **T**O prevent fraud in destroying or secreting wills and codicils, and controversies concerning the execution of them, it is hereby enacted and provided, that if any person shall, with his or her own hand, deliver to any register of wills, or the register or clerk of any office within the state authorized to record wills, any packet sealed up, and endorsed as the last will, testament or codicil of the party, it shall be the duty of the said officer, on the party's paying him the sum of ten shillings, and of the successors of the said officer, to keep the said packet, entire and sealed up, in some safe part of his office, endorsed further with a memorandum of the delivery, and of the time thereof, until a demand of the said packet shall be made by the party who delivered it, or by some relative, or other person, claiming the benefit of the said packet, after the death of the party; and if the demand shall be made by the party, the packet shall forthwith be delivered back, sealed and entire, and if the demand be made by a relative, or other person, after the death of the party, and the packet shall have been until that time preserved sealed up, and entire, the said register, or clerk, shall forthwith open and examine the same in the presence of the person demanding, and of two or more credible witnesses; and if what is contained in the said packet shall purport to be the last will or codicil of the person who deposited it, the said officer shall immediately record the same, together with the name of the person demanding, and of the witnesses to the opening, of the said packet, and an attested copy under seal of the said will or codicil, and of the authentication thereof, as aforesaid, shall be taken for, and operate as, the will of the party, according to the nature of its provisions, unless there shall be some will or writing competent to repeal or vacate it, agreeably to the provisions herein before contained.

2. But if on a demand made as aforesaid, and inspection, it shall appear that the said packet hath been before opened, no will or codicil which it contains shall be good and effectual for the purpose for which it was made, unless it be attested and proved in the manner herein directed to render it operative at law.

3. If any person shall open, steal or destroy, any packet committed to any register, or clerk, as aforesaid, for custody, or shall steal or destroy any instrument of writing, purporting to be a will, testament or codicil, of any other person, the party, on conviction thereof in a court of law, shall be adjudged guilty of felony, and receive such sentence and punishment as may be inflicted for any other felony, not extending to death or dismemberment.

4. If any private 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 secrete it for the space of six months after the death of the party shall be known to him or her, on conviction thereof