

tioned to be devised in the contested will, or for obtaining any other judgment, or decree relative thereto, on, or before the 6th May 1751, and which hath been already determined, in favour of such heir, or devisee, or any claiming under them, or which is depending at the time of passing this act, and has been prosecuted with due diligence; but the validity of every such will, or codicil, and the competency of the witnesses shall be adjudged, as if this act had not been made. Provided nevertheless, that no possession of an heir at law, or devisee in such prior will, or codicil, or any claiming under them, which is consistent with, or may be warranted by any will, or codicil attested according to this act,* or where the estate descended, or might have descended to such heir at law, till a future, or executory devise by virtue of any will, or codicil attested, according to this act, might take effect, shall be deemed a possession, within this act.

Witnesses to wills; when legal, and when not.

* 25 Geo. 2, ch. 6.

For the statutes concerning estates *pur autre vie*, and fraudulent devises, to avoid repetition, I refer the reader to folio 14.

Written wills of personal estate, need not any witness of their publication; and therefore good, if in the testator's hand writing; and tho'