

IX. Provided always, nevertheless, and it is hereby declared, That no Possession of any Heir-at-Law, or Devisee in such prior Will or Codicil as aforesaid, or of any Person claiming under them respectively, which is consistent with, or may be warranted by or under any Will or Codicil attested according to the true Intent and Meaning of 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, should or might take Effect, shall be deemed to be a possession within the Intent and Meaning of the Clause herein last before contained.

X. And whereas in some of the British Colonies or Plantations in America, the said Act of the twenty-ninth Year of the Reign of King Charles the Second, has been received for Law, or Acts of Assembly have been made, whereby the Attestation and Subscription of Witnesses to Devises of Lands, Tenements and Hereditaments have been required: Therefore, to prevent and avoid Doubts which may arise in the said Colonies or Plantations, in relation to the Attestation of such Devises of Lands, Tenements and Hereditaments; Be it enacted **785** *by the Authority aforesaid, That this Act, and every Clause, Matter and Thing therein contained, shall extend to such of the said Colonies and Plantations, where the said Act of the twenty-ninth Year of the Reign of King Charles the Second is by Act of Assembly made, or by Usage received as Law, or where by Act of Assembly or Usage, the Attestation and Subscription of a Witness or Witnesses are made necessary to Devises of Lands, Tenements or Hereditaments; and shall have the same Force and Effect in the Construction of or for the avoiding of Doubts upon the said Acts of Assembly, and Laws of the said Colonies and Plantations, as the same ought to have in the Construction of or for the avoiding of Doubts upon the said Act of the twenty-ninth Year of the Reign of King Charles the Second in England.

XI. Provided always, That as to Cases arising in any of the said Colonies or Plantations in America, no such Devise, Legacy or Bequest as aforesaid, shall be made null and void by virtue of this Act, unless the Will or Codicil whereby such Devise, Legacy or Bequest shall be given, shall be made after