

Witnesses to
wills; when
legal, and
when not.

A witness, who has been paid his legacy, or released it, or refused it on tender thereof, shall be admitted; and the witness in case of tender, and refusal, shall be for ever barred; and if paid, shall not refund, tho' the will should be determined to be void.

If the witness die before the testator, or before he shall have received, or released his legacy, or refused it on tender, he shall be a good witness. Provided that the *credit* of every such witness, in any of the above cases, and all circumstances relating to the same, shall be subject to the consideration and determination of the court, and jury, or of a court of equity.

No witness barred of his legacy, &c. as aforesaid, shall, after his examination, receive
 * 25 Geo. 2, any benefit therefrom; provided that this act *
 ch. 6. shall not extend to an heir at law, or devisee in a prior will, executed according to the 29 Car. 2, or any claiming under them, who has been in quiet possession for the space of two years, next preceding the 6th May 1751; as to such lands whereof he hath been so in quiet possession, nor to any will, or codicil, contested in any suit at law, or in equity by the heir of the deviser, or the devisee in any such prior will, or codicil, for recovering the lands, &c. mentioned