

if she doth not renounce the same within the forty days limited.

By the laws, practice and usage of England, a testament may be proved, either in *common form*, as when the executor presenting the testament before the judge, without citing the interested, doth depose the same to be the true, whole and last will and testament of the deceased, and whereupon the judge doth annex his probate and seal thereto— or in *form of law*, as when the widow or next of kin to the deceased are cited to be present, in whose presence the will is exhibited before the judge, whereupon witnesses being produced, received, sworn, examined and their depositions published, the judge in case of sufficient proof doth pronounce for the validity of the testament. Now he that proves but in common form, may be compelled to prove the same again in form of law: but being once so proved, the executor is not compellable to prove it any more; but being proved only in common form, it may be questioned at any time within thirty years after, by common opinion, before it works prescription, which is otherwise in case it be proved in form of law, or *per testes*. Godol. 62.