The manner of proving wills within this province, is, as may be obſerved by the foregoing directions, neither wholly in the one way, nor in the other, but is a compound of both—— becauſe all wills here are proved in *common form*, that is, by the executor, to be the true will, and *per teſtes*, by the witneſſes thereto ſubſcribed, or of ſo many of them as do appear—and moſt generally the widow, or other repreſentatives of the deceaſed are preſent at the time of probate, (tho' not cited for that purpoſe) and do acknowledge themſelves to be content with, and that they have no objection to the taking of the probate.

Regularly (that is, by the civil law) teſtaments are to be exhibited for probate to the commiſſary, *within four months next after the teſtator's death*; and, ſays *Swinburn*, fol. 447, "the "ordinary may ſequeſter the goods of the de- "ceaſed, until the executors have proved the "teſtament; ſo may the metropolitan, if the "goods be in divers dioceſes; alſo the ordinary "may compel the executor to prove the will, "and to accept or refuſe the adminiſtration."

By the common law of England, ſince the conqueſt, no greater eſtate in land than for years could be diſpoſed of by will, except by

ſpecial