

If she is to have a horse, or cow, or poultry, etc., it should be stated how the food for the same is to be provided, and in the event that any of them should die, the will should settle how the loss is to be made good; also what buildings are reserved for them during winter and pasturage during summer.

If the farm is to be worked by the son or other near relative, and a share to be given the wife for her support, the will should clearly state the conditions of the lease, and the relative proportion of meadows and crops, the wife's share in each, her share of garden vegetables, fruit, grapes, etc.; or the wife should be left free to make her own terms through the executor.

It must be remembered that a will is not a lease, but it may be made to operate as a lease, and, if carelessly drawn, the door for future friction is left wide open. It may also tie the hands of the executor.

Executor, or Executrix if a Woman, is the person named in the will as the one who is to carry out its provisions, and look after the property until its distribution among the heirs is accomplished.

A minor could be appointed, but he would not be allowed to enter upon his office until he was twenty-one years of age, and during that time the estate would be administered by the minor's guardian, or by one appointed by the Surrogate Court.

An executor may be a legatee, or a creditor, or a debtor. It was formerly the rule if a debtor were appointed executor his debt was forgiven, but that is no longer the case.

An executor may enter at once upon the work of carrying out the provisions of the will, as soon as it has been publicly read, before being proved, except in Quebec and Prince Edward Island. For the other Provinces, where there is no money in a bank to be drawn out, and no debts requiring them to enter the courts to collect, it is only a waste of money to probate an ordinary will.

An executor may be appointed guardian as well, and if not so appointed by the will and there are minor children who have no guardian he may apply to the Surrogate Court to be appointed guardian. In cases where minor children would be left with both parents dead, the testator should appoint an executor a guardian as well to such infants, thus saving the cost of appointment by the court.

An executor appointed by will dying, his executor may continue to administer the estate; but if the deceased executor had been appointed by the Surrogate Court, then another executor would have to be appointed to take his place, either by the Surrogate, or High Court.

Executors who cannot agree as to the management of the estate, either one or all may apply to the court for instruction. The court may then either direct what shall be done or may itself assume the administration of the estate, in which case the executors are freed from future liability. In all cases where executors need advice they may apply to the court.

Executors cannot act by proxy except in merely clerical work, neither can they employ solicitors to do what they should do themselves, and charge the cost against the estate.

In Quebec a married woman cannot act as executrix without consent of the husband or judicial authority.

In New Brunswick an executor who does not file an inventory with the registrar within three months may be served with a notice in writing by any interested person to file such inventory within ten days, and if not filed within ten days from receipt of such notice, application may be made to the judge to demand inventory. If no such inventory is filed and no person applies to the judge for its filing, the judge, after thirty days from the time when the inventory should be returned, may on his own motion make an order for the return of such inventory.

It is strongly recommended to make a Trust Company Executor of a will, they have the experience, and are reliable, and responsible for all their acts; an individual may die, the Trust Company will go on.