Shares or stocks specifically bequeathed to any person, the title in such stocks is vested at the time of the testator's death, and any dividend declared thereafter belongs to such legatee although such shares may not have been transferred into his name.

Probating Wills.—After the decease of the testator, as soon as convenient or becoming, the will should be read in the presence of the parties interested, and then proved in the Surrogate Court. But there is no statute compelling such reading of the will, and except in Quebec and Prince Edward Island it is not compulsory to probate the will.

In cases where parties claiming to have the will refuse to either read it in presence of those interested or to probate it, any of the heirs or next-of-kin may apply to the court either for letters of administration of the estate, or for an order compelling the production of the will. The Surrogate Court has jurisdiction in such matters, and a subpoena issued by the court to such party would produce the will in court.

Executors may perform the duties imposed upon them by the will without probating it, except in Prince Edward Island and Quebec, but in large estates it is better to probate them, as that secures an authoritative declaration from the Surrogate Court that the will is valid. It also clothes the executor with the legal authority to administer the affairs of the estate and enter the courts, if necessary.

In Prince Edward Island the will must be probated within thirty days after death of the testator.

For Quebec, see Section "Who May Draw a Will."

Wills bequeathing real estate should be registered as well as probated, so that the titles of the devises may be more easily traced. The will, of course, carries the title to the property without registering, but by registering the title is completed in the Registry Office and also guards against inconvenience from a possible loss of the will. They must be probated first before they can be registered. With lands under the Torrens System registration is essential.

Probating and registering wills furnish evidence of their validity, but neither one can prevent an action from being taken to cancel them.

The probate fees can be ascertained by inquiry at the Surrogate Office in the county in which the will would be proved. The tariff of fees is not fixed, as circumstances in different cases differ. A solicitor who would be engaged to fill out the papers is allowed about $12, if the estate does not exceed $1,000.

A legatee is the one who receives property under the will. Devisee is used when the bequest is in land.

A legacy to a friend or relative other than a child who dies before the testator lapses unless the will provides otherwise.

A legacy to the testator's child, who dies before the testator, will go to the children of such legatee, *i.e.*, to the grandchildren.

A legacy to a witness or to the wife or husband of a witness is void.

A devise to widow in bar of dower has priority over other legacies.

Legacies not paid at maturity can be sued for the same as any other debt, and interest collected one year after the testator's death, as the executor is allowed one year in which to distribute the estate.

Bequests to the Wife.—The will should state definitely whether the bequests to the wife are in addition to dower or in lieu of dower.

If real property is bequeathed to her, it should be clearly stated whether it is in fee simple or only a life estate.

If she is left a cash annuity it should be made a charge upon the land.

If she is to retain her home at the homestead, a certain portion of the house should be reserved for her exclusive use.