8. Executors should be appointed who have been previously consulted.

9. It should be properly dated, and the signature of testator witnessed by *at least two* persons. If only one witness signed, the will would be void, and there would be an intestacy, except in the case of a holograph will in the Provinces where they are recognized.

10. The testator should sign at the foot of the will in the presence of the two witnesses. If the testator is unable to write his name it may be signed by some other person for him, but in his presence or by his direction. Or he may sign by making his mark or having his hand guided while making his mark, providing he understands the meaning of what is being done and assents to it.

11. A devise or bequest to a wife should state clearly whether it is in lieu of dower or not in those Provinces where dower is allowed, or she may be entitled to claim both.

12. No seal is necessary to a will, though sometimes a seal is attached.

Two Subscribing Witnesses are essential to the validity of wills (except holograph wills.) The two witnesses must not only be both present together and see the testator sign the will, but they must sign it themselves as witnesses in the presence of each other, as well as in the presence of the testator.

The witnesses may be minors, except in Quebec, if old enough to understand what they are doing, and to give evidence in court, if necessary. An executor or a creditor could also be a witness.

If a legatee or devisee were to sign a will as witness, it would not invalidate the will, but the bequest to such person would be void. Also a bequest to the wife or husband of the person signing as witness to a will is void in all the Provinces.

The death or subsequent incapacity of either or both the witnesses before the death of the testator would not invalidate the will.

Witnesses should take notice of the mental and physical condition of the testator, so as to satisfy themselves that he understands what he is doing and is competent to make a will.

Holograph wills, that is those wholly written and signed by the testator himself, do not require witnesses.

In Quebec the clerks and servants of the notaries cannot be witnesses. The notaries must not be related to the testator in the direct line, or to each other, or in the degree of brothers, uncles or nephews. The witnesses may be related to the testator, or the notaries, or to each other. Legacies in favor of the notaries or witnesses, or to wife or husband of the notaries or witnesses or to any relation in the first degree are void.

Ministers of religion may be witnesses but cannot act as notaries and write Wills in Authentic Form, but may in the English form.

Wills in the English form may be written by any person and females may serve as witnesses the same as in the other provinces.

In Saskatchewan, if there are two other competent witnesses to a will besides a legatee or divisee, who may happen to sign as witnesses, then such devise or bequest shall not be void.

Residuary Clause.—Where there is a residuary clause in a will every lapsed legacy or bequest, and every other legacy which on any ground fails to take effect, will fall under the control of that clause and pass to the residuary legatee, also any property not disposed of by the will falls under the control of that clause.

When Wills Take Effect.—Wills do not take effect until after testator's death, and all gifts and legacies become "vested" at the same time, whatever the interest may be. If such person should die after the testator, but before obtaining possession of the bequest or legacy he could dispose of it by will, or if no will were left it would go to his heirs, and if such person were married the husband or wife would take same interest as though the property were actually in possession.