(*b*) Where the wife of the husband of the testator elects to take under the will, by an instrument in writing signed by the wife or husband, and filed within one year after the testator's death in the office of the Surrogate Clerk at Toronto;

(*c*) Where the will is made in the exercise of a power of appointment and the real or personal estate thereby appointed would not, in default of such appointment, pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin under the Statute of Distributions.

SOME DIRECTIONS AS TO THE PREPARATION OF A WILL.

The general directions formerly given as to the preparation of a contract will guide the reader in the preparation of a will. But there are one or two things which will have to be observed in addition to those already set out. And the most important matter is as to the execution of a will. As shown in the extract from the statute above given the will must be signed in the presence of two witnesses. Although no form of attestation is necessary, it is customary to use one in order that the recollection of the witnesses may be fortified by the statement in writing upon the will, of the facts attending the execution. If the witnesses have altogether forgotten what occurred when the will was executed, the Court will take the statements of the attestation clause as evidence of what occurred. The witnesses should always be persons not mentioned in the will, since a legacy or devise to a witness is void. The witness himself is not incapacitated because of his interest; the law operates the other way, it takes away his interest from him. It will be found useful to place the following clause for the witnesses to sign: "Signed, executed, published and declared as and for his last will and testament by the said testator, A. B., in the presence of us witnesses present at the same time, who, at his request, and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses." The witnesses should then sign their names and state their residence and occupation. It might be well that the witnesses should be able to speak as to the apparent ability of the testator to make a will, and as to his understanding of the contents of the will, if he is illiterate, though these matters, of course, can be shown by other witnesses if they should be at any time questioned. After a will has been executed it may, if desired, be placed for safe keeping in the office of the Clerk of the Surrogate Court of the County.