drawn up and neither signed nor attested Notwithstanding, however, that such is the case, it is highly desirable that all wills should be signed and attested, if for no other reason, yet for this,—that a will so signed and attested is more susceptible of easy and satisfactory proof.

In every will of personalty there should be an appointment of some person or persons as executor or executrix. Any person may be appointed; but if an infant—that is, a person under twenty-one—be appointed, he will not be allowed to exercise his office during his minority; but during this time the administration of the goods of the deceased will be granted to the guardian of the infant, or to such other person as the Surrogate Court may think fit. If a married woman should be appointed an executrix, she cannot accept the office without the consent of her husband; and, having accepted it, with his consent, she is unable, without his concurrence, to perform any act of administration which may be to his prejudice: for, as the general rule of law is, that a husband and wife are but one person, the power, and, with it, the responsibility, are vested in the husband.

There is this difference between a will of lands and a will of personal property. Under the former, the devisee, or person to whom the land is given, takes the land direct, without the intervention of any executor; while, on the other hand, a legatee of personal property can only get the same through the executor. The moment a testator dies, the executor becomes entitled to the possession of the