

WILLS.

1. State the statutory requisites for the execution of a will. *will must be signed by testator in presence of 2 witnesses who shall see each other sign and affix their names in presence of testator*
2. Can a lost will be admitted to probate? If so, how? *Yes if will is lost evidence of its contents can be given by person who deposes it and by subscribing witnesses*
3. State the different ways in which a will may be revoked. *By burning, tearing or obliterating the will and by destroying will with an intent to destroy*
4. What are the requisites of a *donatio mortis causa*? *It must be made by gift in anticipation of death, and only takes effect upon his death from his existing illness, and a delivery about to be made to the donee*
5. Define testamentary capacity? *Testator must be of full age and of sound and disposing mind memory and understanding*
6. State how a will is proved in simple form? How in solemn form. *act 198*
7. How may a will be proved when the attesting witnesses are dead? *by proof of handwriting of witnesses and testator.*
8. What is the rule in Shelley's case? *That the word heirs is not a word of purchase, but of limitation and where a lease, estate is given to a man for life and afterwards by the same instrument to his heirs, these the word heirs operates as a word of limitation and not of purchase and the issue take the estate.*
9. Explain the difference between taking *per capita* and taking *per stirpes*. *per capita means take in equal shares of the leaves, one son and children of deceased son per stirpes or stock 1/2 grand children together would take an equal share with son*
10. An infant entitled to real and personal property dies leaving father, mother, brothers and sisters, who takes the real and personal estate respectively, and in what shares? *father and mother in each case.*
11. What is an executory devise and a contingent remainder? *Every devise such a limitation of a future estate or interest in lands or the law admits in case of a will this contrary to the rule of limitation in conveyances at Com. Law.*
12. Distinguish by example vested and contingent devises and bequests.
13. Where there is a devise to two or more persons do they take as joint tenants or as tenants in common? *Tenants in common unless otherwise expressed*
 If devise is to husband and wife how do they take? *jointly*
 If property be given to A, and B his wife, and C, what share will C take?
A. and B. 1/2 between them for they are one person in law and C. 1/2 between the other 2
14. What facts should be stated in a petition for letters testamentary?
15. State the difference between an executor, an administrator *cum testamento annexo*, and an administrator. *The exor is one appointed by a man's last will to execute the contents thereof after testator's decease. Admin is one appointed by the court in one appointed by Judge of Prob. with the will annexed as where testator did not name any exor*
16. State the proceedings for passing the accounts of an executor or administrator. *see prob. Act.*

§ 11 A contingent remainder is where the estate in remainder is limited to take effect either to a dubious and uncertain person or upon a dubious and uncertain event so that the particular estate may chance to be determined and the remainder never take effect.

see 17th ed 389
 as to conveyance
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 memory