diminution of capital: but I cannot act upon mere suspicion. The words are intelligible if you refer them to the first direction in the will to pay debts. His wife was an executrix, and it might be that she would have to go on paying debts during her life, and I think the word "remainder" is sufficiently explained by that direction to pay debts.

There is no such outlet in the case in hand, for the wife was not appointed an executrix and the debts were too small to affect the sufficiency of the funds for paying legacies. And besides such a method of construction was not favoured in Re Willets, [1905] 1 Ch. 378; [1905] 2 Ch. 136.

There the testator had appointed his wife executor with power to sell all his property and land, and at her death what is left to be divided between his daughters. Farwell, J., held that the words "what is left" meant the net residue of the estate after payment of debts and costs of realization, and did not give the wife a life or any other interest in the estate. This was reversed by the Court of Appeal, who held that the reference was not to what remained after payment of debts, but what should be left after the exercise by the plaintiff for her own benefit of her power of sale.

On the other hand there is a case decided in 1902, Re Rowland, 86 L.T. 78, by Eady, J., when the bequest of residue was for the sole use and benefit of the wife during widowhood. Should she marry, then the balance, if any, of the money and farm stock not to exceed £400 to be divided between others. She married, and, *held,* that she took absolutely all except as to £400 which went over in the event of there being a balance of any unexpended residue to that amount on the day of re-marriage. It was argued there that "balance" meant what was left after providing for debts, but it was held that "balance" meant the part unexpended by the widow.

This decision appears to go farther than is supportable, but it is upheld by the last editor of Jarman, as decided on the principle that property may be given for life with a power to expend capital, followed by a valid gift over of the unexpended part, p. 464 (note 3) 6th ed., 1910. At one time that was thought to be so indefinite and vague as to be nugatory and ineffective, and so was rejected by the Court.

I think the correct rule applicable to the case in hand is to be found in the words of James, L.J., in Re Thompson's Trusts (1880), 14 Ch.D. 269. He says "the widow took nothing but an estate for life with full power of enjoying the property in specie, so that if there was ready money it need not be invested,