

estate. A construction which would result in intestacy as to any part of his estate is to be avoided.

It will, I think, be convenient to work backward in this case. At the wife's death "the balance of my estate" is divided among the testator's own relatives, his son and brothers and sister. What does he mean by "the balance?" The words imply that something has been taken out. As we are not to presume an intestacy, what has the testator done with that something which has been taken out to leave a "balance?" If the widow had only a life estate, that would end at her death, and, instead of there being only a balance to divide, the whole estate would be available. What then does he mean by the "balance" which he gives his relatives at his wife's death? One answer might be that it meant the balance after payment of the debts and expenses which he directs the executors to pay, and that would be a reasonable answer, in the absence of any other. In the words immediately preceding, the testator throws some light on what he means. There he gives to his wife for her life the interest of his estate, "that is, the interest of the balance thereof after she receives her dower." It is, I think, evident that the "balance" on which she is to receive interest during her life is the same "balance" which in the very next sentence is directed to be divided at her death. If so, it is not the whole of his estate, it is the balance thereof after she receives her "dower"—whatever that may mean. And here it may be noted that it is not the balance of the interest, but the "interest of the balance" which is given to her. Whatever he does mean by "dower," it is evidently something which reduces the fund of his estate during his wife's life, and that reduction continues after her death. If that be so, it must be part of the corpus of the estate. Then to find its meaning we go back, in the same sentence, to the phrase, the only other place in which it is used, and there it is spoken of as "her dower of one-third of my estate." Is it used there in a technical sense? If the words "my estate" are limited to real estate, there would be reason in such a construction. But the testator, within the next few lines, thrice uses the same words "my estate," and always manifestly referring to his whole estate resulting from both real and personal property. Only once previously has he used the word "estate," and then he expressly refers to "real estate." It is, I think, a reason-