

intentions disclosed in it: all to the wife; subject to this, so much of the personal estate as remained, at her death, to charity, and to the two other legacies: these two other legacies necessarily payable out of the real estate, because not payable until after the wife's death, at which time all that was unexpended of the personal estate went to the charity.

Thus, and thus only, can effect be given to all that the testator willed: thus, and thus only, can all the objects of his bounty receive benefactions; and receive all of that which he intended each of them should have: thus, and thus only, can there be any hope of the souls' benefits intended: and thus, and thus only, can that, to me, abomination, a court-made, or a court-mutilated, will, be avoided. So it seems to me.

But "the cases" are very much relied on: cases which may be divided into two classes: (1) those which decide that a clear absolute gift is not to be cut down by subsequent uncertain words: a rule that every one can subscribe to, for it is no more than a chip of the same block that requires effect to be given to the testator's intentions shewn by the words used. No such conditions affect this will: there is no absolute gift in the first place: the gift is expressly subjected to the charitable legacy, as well as to the other two legacies. The will is in the first place made uncertain expressly, to be made certain by the "following legacies." And (2) cases in which it has been decided that a gift of what is left is void for uncertainty: but against them may be set off those cases in which effect has been given to such gifts: see *Green v. Harvey* (1842), 1 Ha. 428, and *Bibbens v. Potter* (1879), 10 Ch. D. 733: an instance on each side.

I find it difficult to perceive how there can be any uncertainty as to the meaning of the words "all of my personal estate that may be left unexpended after the death of my wife;" what is meant is quite plain. There may, or there may not, be some difficulty in finding what is, or represents, personal estate unexpended, but that cannot obscure the meaning of the testator or prevent the charity from having that which can be proved to be or represent personal estate "left unexpended." Things that may have seemed, in earlier days, to be mountains of difficulty, in this way, may, perhaps, in these days of "chartered accountants," to right and to left of us, of computing machines, and of complicated business transactions, bewildering to the untaught, made systematic and simple, in regard to charges against capital account or against income, among many other complicated sub-