

property intended to be thereby conveyed, or affected, and this specific description is preceded or followed by some general description referring to the property to be conveyed, unless from the context the contrary intention clearly appears, the general words will be construed as comprising only such property as is *ejusdem generis* with that comprised in the specific description. See Elphinston on Interpretation of Deeds, p. 173. The rule is thus stated in Maxwell's Interpretation of Statutes, 2nd ed., pp. 405-6: "A general word which follows particular and specific words of the same nature as itself takes its meaning from them, and is presumed to be restricted to the same genus as those words."* And it is also stated by Pollock, C.B., as follows: "It is a general rule of construction that where a particular class is spoken of, and general words follow, the class first mentioned is to be taken as the most comprehensive, and the general words treated as referring to matters *ejusdem generis* with such class:" *Lyndon v. Stonebridge*, 2 H. & N. 51. But neither of these propositions are exhaustive, and, as we have said, the rule may apply in cases where the general words precede the specific words, as well as to cases where they follow them.

The rule, however, is by no means an inflexible one, and, as we shall see, gives way where the instrument manifests a plain intention that the general words shall not be so restricted. It is applicable to the construction of all kinds of documents, and it is one that may be applied by courts of law as well as courts of equity.

It is frequently applied in the construction of statutes, and many instances may be found where the general words of a statute have, by the application of this doctrine, been confined within very narrow limits. It would be impossible here to review all the cases illustrating the application of the rule, and we shall therefore content ourselves with referring to a few of them.

The doctrine has been applied in the construction of the Lord's Day Act (29 Car. 2, c. 7), which enacts that "no tradesman, artificer, workman, labourer, or other person whatsoever, shall do or exercise any labour, business, or work of their ordinary callings upon the Lord's Day:" and, notwithstanding the gener-

* Wills, J., in *Fenwick v. Schmaltz*, L. R. 3 C. P. 315, is cited in support of the rule as laid down in Maxwell, but what that learned judge appears to have done in that case is to enunciate an exception to the rule, viz., "that if the particular words exhaust a whole genus, the general word must refer to some larger genus."