

This is due to what appears to be a change of policy, if we may so call it, adopted by the later generation of judges in regard to the heir-at-law. Formerly we find it was regarded as "a rule of law" that the heir should not be disinherited unless by plain and cogent inference arising from the words of the will. This idea that the heir-at-law was to be favoured can hardly be said to be founded on any very satisfactory reason. The moment it is conceded, as it must be, that a testator has the right to dispose of his estate as he pleases within certain defined limits, then the only legitimate method of construing his will is really to find out what it means, and, if there be no law against the disposition he has made, to give due effect to it, and the construction ought clearly not to be affected by any supposed preferential rights of either the heir-at-law or next of kin of the testator. Considerations of this kind have probably led to the gradual abandonment of the notion that the heir-at-law is to be favoured in the construction of a will, and what was at one time regarded as "a rule of law" has, by one of those curious revulsions of opinion among the judges which seem to be peculiar to the administration of English law, now come to be regarded as not only no "rule of law," but not even a rule of construction, and the tendency of the modern decisions has set altogether in the direction of avoiding as far as possible an intestacy.

In applying the doctrine of *ejusdem generis* to the construction of general words of gift in wills, it will be found, we think, that a good deal depends on the fact whether or not there is any residuary devise or bequest. Where there is no gift of residue, then general words preceding or following a particular devise or bequest are more likely to be construed as widely as possible; whereas, where there is a residuary gift, general words preceding and following particular devises or bequests are more likely to receive a restricted construction. But, as we have already said, the true object of the *ejusdem generis* doctrine being to carry out the true intention of the will, wherever it can be plainly collected from the will that the general words, even in the latter case, are intended to be unrestricted in their operation, they will be so construed.

Speaking of the doctrine, Wood, V.C., said: "I think the cases, which are very numerous on this subject, have some common principle upon which they all seem to have been decided,