of my estate, including a certain fund"), does not make the gift of that property specific (*k*).

(2) The mere fact that the testator enumerates some specific things in the gift of residue (as "all my furniture, cattle, sheep and all my other personal estate") does not make the gift of those things specific (*l*).

(3) If the testator disposes specifically of the bulk of his property (as by giving his Consols to A., his mining shares to B., his leaseholds to C., and so on), and adds to one of these gifts all the residue of his personal estate, that gift is specific so far as regards the property specifically described (*m*). There are also cases in which a gift of residue, followed by an enumeration of specific things, has been held to be specific with regard to them (*n*), but it may perhaps be doubted whether they would be followed at the present day.

It may be noticed that in *Bethune* v. *Kennedy*, in which the doctrine in question appears to have been first laid down, the question was whether the legatees for life were entitled to the income of the funded property in specie (*o*).

In *Re Kendall's Trust* (*p*), the testator bequeathed to his mother "everything I die possessed of, namely," certain money and chattels, and added: "And lest there be any dispute I declare again that I leave everything I die possessed of to my dearest mother for her entire and sole use and benefit as stated above:" it was held that the whole residue passed.

Distinction between general and residuary bequests.

It rarely happens that it is necessary to consider the distinction between general and residuary bequests, for almost every will contains one general residuary bequest, but the question sometimes arises. Thus in *Re Orey* (*q*), a testator bequeathed pecuniary legacies, and gave all his personal estate, except money and securities

(*k*) *Re Tootal's Estate*, 2 Ch. D. 628; *Macdonald* v. *Irvine*, 8 Ch. D. 101; *Re Lyne's Estate*, L. R., 8 Eq. 482 (fund directed to become part of residuary estate). But if the testator after a gift of "my property" explains that it consists of certain investments, this appears to make it specific: *Hubbard* v. *Young*, 10 Bea. 203, sed qu.; this may be one of those cases where the Courts have overlooked the distinction between a specific bequest and the enjoyment in specie of a residuary bequest. See Chap. XXXIV.

(*l*) *Re Green*, 40 Ch. D. 610; *Taylor* v. *Taylor*, 6 Sim. 246; *Sargent* v. *Roberts*, 12 Jur. 429; *Sutherland* v. *Cooke*, 1 Coll. 498; *Fielding* v. *Preston*, 1 De G. & J. 438; *Fairer* v. *Park*, 3 Ch. D. 309; *Tighe* v. *Featherstonhaugh*, 13 L. R. Ir. 401; *Bridges* v. *Bridges*, 8 Vin. Abr. Devise, 295 F, pl. 13.

(*m*) *Hill* v. *Hill*, 11 Jur. N. S. 806; *Langdale* v. *Esmonde*, Ir. R., 4 Eq. 576; *Clarke* v. *Butler*, 1 Mer. 304 (revocation of bequest of "residue" held not to apply to specific things bequeathed with it).

(*n*) *Bethune* v. *Kennedy*, 1 My. & C., 114; *Mills* v. *Brown*, 21 Bea. 1.

(*o*) As to this, see Chap. XXXIV.

(*p*) 14 Bea. 608.

(*q*) 20 Ch. D. 676.