THE LAW

WITH RESPECT TO

WILLS.

CHAPTER XXIX.

OPERATION OF A GENERAL OR RESIDUARY BEQUEST (a).

I.—General and Residuary Bequests.—A general bequest is a gift of the testator's personal property described in general terms, as of " all my personal estate " (b). If a testator bequeaths his property by specific description (e.g., " my leaseholds, stocks, funds and securities, money in my house or at my banker's, and debts owing to me "), and it happens that this description includes all his personal property, nevertheless this is a specific and not a general bequest (c). The question what expressions will comprise the general personal estate, has been considered in Chapter XXVIII.

What is a general bequest.

In *Robertson* v. *Broadbent* (d), the testator, after directing his executors to pay all his just debts and funeral and testamentary expenses and giving pecuniary legacies, gave all his personal estate and effects of which he should die possessed, and which should not consist of money or securities for money, to R. absolutely.

(a) This chapter is new, except so far as it incorporates those parts of Chap. XXIII. in the preceding editions, dealing with the effect of a residuary bequest, which were added by Mr. Jarman's editors.

(b) Roper on Legacies, 242. As to general or residuary bequests by informal expressions, see Chap. XXVIII., ante, p. 1033.

(c) *Roffey* v. *Early*, 42 L. J. Ch. 472. Compare *Richards* v. *Richards*, 9 Price, 219, a case which seems to be not well reported. *Powell* v. *Riley*, L. R., 12 Eq. 175, may be treated as overruled: *Re Ovey*, 51 L. J. Ch. 665. See Chaps. XXX. and LIV.

(d) 8 A. C. 812, affirming C. A. in *Re Ovey*, 20 Ch. D. 676.