

*EJUSDEM GENERIS RULE.*

The rule—or doctrine, as it is often called—of *ejusdem generis* is not a rule of law at all, nor is it even embodied in any epigrammatic maxim, but is simply a working rule of construction embodying a particular application of two maxims which are themselves rules of construction—namely, *Verba generalia restringuntur ad habilitatem rei vel personae* and *Noscitur a sociis*. In plain English, in construing documents you must always have regard to the context of any word, and, if general words are used, you may restrict their meaning so as to make them apply to the subject-matter of the document; as a consequence of these rules, a general word or expression following particular words or expressions must often be, if that appears to be the intention gathered from other parts of the document, restricted in meaning so as to refer to things of the same kind—*ejusdem generis*—as are referred to by the particular words or expressions. This seems a reasonably accurate way of stating the *ejusdem generis* doctrine as acted upon at the present day. The rule is certainly not a principle of law, nor even to be applied without reference to the context. To say, as is said in an American case, that “the doctrine of *ejusdem generis* is as rock-ribbed in the law of this State (Missouri) as any principle ever announced” (*Ex parte Neet*, 1900, 80 Am. St. Rep. 638, 641) is going much further than English, and probably most American, lawyers would assent to.

The doctrine, in fact, amounts to little more than a presumption to be acted on in construing documents of every kind. It is more often called in aid of the interpretation of statutes than of other documents, but is also frequently relied on in regard to deeds of conveyances, wills, and powers of attorney. It is under the doctrine of *ejusdem generis* that the general words in a deed or will, following an enumeration of particular things or a description of a particular thing, often are so restricted as to have practically no meaning at all, the practice having arisen of throwing in these general words in order to guard against accidental omissions in the particular enumeration or description. In many penal statutes the doctrine has been relied on for restricting general words within a narrow compass, but here this restriction seems