

## CHAP. XXVIII.

take the whole of his real and personal property into their consideration, and have an estimate made, "and my will is to divide to every child its due share and proportion, also taking first into consideration" monies received by the children by way of advancement. Lord Cottenham held, reversing the decision of the V.-C., that the reversionary interest in the real and personal property passed by the codicil.

And in *Re Bassett's Estate* (x), where legacies were given, and the will then went on, "after these legacies and my funeral expenses are paid, I leave to my sister A. without any power or control of her husband; in case of her death to be equally divided amongst his children or grand-children": it was held that this was a good gift of the residue. *Chapman v. Chapman* (y) is another example of an intention to dispose of the residue being inferred from the whole will.

Appointment  
of "residuary  
legatee."

As a general rule, an appointment of A. "to be my residuary legatee," operates as a bequest of the testator's residuary personal estate to A. (z). But if there is a formal gift of the residue to another person, this may prevail (a).

(x) L. R., 14 Eq. 54. Compare *Bowman v. Milbanke* and the other cases in which it has been held that words of gift may be too vague to pass the residue; ante, p. 455.

(y) 4 Ch. D. 800.  
(z) See *Hughes v. Pritchard*, 6 Ch. D. 24, and other cases cited, ante, p. 1016  
(a) Post, Chap. XXIIX.

END OF VOL. I.

PRINTED BY  
SPOTTISWOODE AND CO. LTD., COLCHESTER  
LONDON AND FTON