

held that the will passed all the personal estate. James, L.J., who delivered the judgment of the court, said: "I think the law is correctly laid down by the Vice-Chancellor when he says, 'I cannot help thinking that the doctrine has been settled that where a testator gives his property generally by the words "all my property," or "all my estate," or "all that I have power over," as in this case, where he uses words sufficient to pass everything, and then proceeds to enumerate particulars, it is now I think pretty well settled that an enumeration of particulars does not abridge or cut down the effect of the general words.'" In view of the cases already cited, we think he might have added, "unless they be followed by a gift of the residuary estate," the effect of which is seen in the two following cases.

Thus, in *Northey v. Paxton*, (1888) 60 L.T.N.S. 30, Kekewich, J., held that a will worded as follows: "I give to my nephew, W.P., all the household furniture and effects belonging to me in and about my country residence," followed by a residuary gift to A.N., had not the effect of passing jewellery found in the country residence to W.P., but that it went to A.N. under the residuary bequest. Similarly a gift of £100 to D., and certain books, wine, and plate, "*and all the rest of the furniture and effects*" at the house at which the testator resided, followed by a gift of the residuary estate to T., was held by North, J., not to have the effect of passing to D. £2,740 in bank notes, certain stock receipts, certificates of railway stock, and some jewellery, which were found in the testator's house, and which were held to pass under the residuary gift to T.: *Re Miller, Daniel v. Daniel*, (1889) 61 L.T.N.S. 365, because here again the doctrine of *ejusdem generis* was held applicable.

From the illustrations we have given, we think it must be conceded that the doctrine we have been discussing serves a useful purpose. While in its application to wills it may be doubtful whether it always carries out the intention of the testator, yet, both in that class of cases and in all others, the ostensible object of the rule is to construe the document according to its true intent, and it is one of those concessions which, in the interest of justice, it has been found necessary to make in consequence of the manifold infirmities of language in the expression of ideas.

G. S. HOLMESTED.