

amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by the Legislature to have been, different from the law as it has become under such Act as so amended." And sec. 10, "The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law." Applying these sections to the amendment and repeal just noted it will be seen that the mere fact of the amendment and repeal furnishes no reason for thinking that the law was different before April 13th, 1897 from the law as it became on and after that date. I have already given my reasons for thinking that the law before was the same as it evidently is since the changes named.

Some curious results would seem to flow from the operation of sub-sec. (3) of sec. 4. Should an intestate married woman leave cash amounting to \$30,000 and real property held in fee valued at \$300, both her separate property, her children having died before her and grandchildren only remaining, then under sec. 5 the husband would retain only one-third of each class of property, value \$10,100. By taking tenancy by the curtesy under sub-sec. (3) his interest in the whole property, real and personal, would have to be ascertained as if the Devolution of Estates Act had never passed, there would be nothing to limit his common law right to the whole personal property, for by supposition the wife left no child living at her death so as to bring the earlier statute into operation, and the existence of the \$300 real estate enables the husband to become entitled to the whole \$30,000 of personal property; the grandchildren would be remaindermen for the real estate after the life interest of the husband. A similar result would be reached even were children left surviving the wife, provided the personal estate had not been separate property. And again a like result if there were no issue of the wife surviving but only collateral relatives, and that whether the personal property were separate estate of the wife or not.

It is to be observed that estates tail are not subject to the Devolution of Estates Act, but only "Estates of inheritance in fee simple or limited to the heir as special occupant."

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