

tributed as if this Act had not passed," as if they were, in effect, a deliberate and express provision that the whole of the separate personal property of a married woman dying without children shall devolve upon her husband. Had the statute said so, then there might be the conflict which you have pointed out. But the real effect of the words just quoted is, I take it, to leave such property, in the event of there being no children, unaffected by the Act at all. In fact, does not the section say so? The words are a reservation inserted for greater certainty, and no more. Such property, in the event aforesaid, being unaffected by any conflicting positive enactment in chapter 132, would come within the scope of R.S.O., c. 108, s. 5, and devolve, one-half to the husband, and the rest as if he had predeceased the intestate.

This would, I think, be the construction even if chapters 108 and 132 were both new enactments coming into force on the same day. But the Revised Statutes do not have the effect of new laws. Section 9, s-s. 1 of 50 Vict., c. 2 (to be found in R.S.O., p. 55), provides that the Revised Statutes shall not be held to operate as new laws, but shall be construed as a consolidation of the law contained in the Acts repealed, and as substituted therefor; and s-s. 2 of the same section provides that where the provisions in the Revised Statutes are substituted for, and are the same in effect as those of the Acts repealed, they shall be held to operate retrospectively as well as prospectively, and to have been passed upon the days upon which the repealed Acts came into effect. Now R.S.O., c. 132, s. 23, is s. 20 of 47 Vict., c. 19, and R.S.O., c. 108, s. 5, is s. 5 of 49 Vict., c. 22; and even if the concluding words of s. 23 of R.S.O., c. 132, bore the construction which you have placed upon them, it would be held that s. 5 of R.S.O., c. 108, being a later statute, had virtually repealed them. But placing upon them the construction which, I submit, is the proper one, there can be no doubt that s. 5 of 49 Vict., c. 22, now s. 5 of R.S.O., c. 108, operated upon the whole separate, real, and personal property of a married woman dying after July 1st, 1886.

The Devolution of Estates Act of 1886 being subsequent to the Married Woman's Property Act of 1884, all repugnant provisions of the latter Act would be superseded by the conflicting provisions of the former, and it would be strange indeed, especially in view of the fact that s. 9 of 50 Vict., c. 2, provides that the "Revised Statutes shall not be held to operate as new laws,"