

p. 568) that under 50 Vict., c. 2, s. 9, wherever the provisions of the Revised Statutes are substituted for and are the same in effect as those of the Acts repealed, they shall be held to operate retrospectively as well as prospectively and *to have been passed upon the days upon which the repealed Acts came into effect*. This rids us entirely of any obligation to harmonize the two sections, for the Devolution of Estates Act, coming into effect later, would repeal the earlier section so far as there was any want of harmony, and the continued existence of the earlier section in the Revised Statutes concurrently with the later could make no difference in the fact of that repeal.

There would indeed seem to be no want of harmony at all, but a mere repetition and an addition, if it were not that in the earlier section the husband's interest is cut down only in favour of "children" while the later section cuts down his interest in favour of "issue." The word "children" cannot be extended to include grandchildren or other descendants of children (*Maund v. Mason* (1874) L.R. 9 Q.B. 254; Am. & Eng. Encycl. of Law, 2nd ed., vol. 5, 1083, 1085.) It will be seen that the concluding words of the section from the Married Women's Property Act as consolidated in 1887, "and if there be no child or children living at the death of the wife so dying intestate, then such property shall pass and be distributed as if this Act had not passed," give us no reason for thinking that the words ought to have any but their ordinary signification. On the other hand, "the word 'issue' includes all remote descendants of the person whose issue is spoken of": per Romilly, M.R., in *Ross v. Ross*, 20 Beav. 649; Am. & Eng. Encycl. of Law, 1st ed. vol. 11, 870.

In 1897, by 60 Vict. c. 14, s. 33, sec. 23 of the Married Women's Property Act as consolidated in 1887 (originally sec. 18 of 22 Vict. c. 34 quoted above) was repealed, and by sec. 32 of the same Act a new section was substituted for sec. 5 of the Devolution of Estates Act. This new section in terms applies to "real and personal property whether separate or otherwise." There are also slight changes in the literary form of the section. Sec. 8 of chap 2 of the statutes of the same session (which went into force April 13th, 1897) enacted that "the repeal of any Act or part of an Act shall not be deemed to be or to involve a declaration that such Act, or the part thereof so repealed, was, or was considered by the Legislature to have been, previously in force." Sec. 9 reads, "The