

ded in favor of the adverse claimant at the date of such Deed,— then as regards the conveyance, sale or charge operated or created by such Deed, the grantor or vendor therein mentioned shall be held to have been at the date thereof the person entitled to inherit the said lands from the proprietor so dying intestate as regards them ; And in like manner any devise of any such lands held in free and common soccage, by last will and testament made according to the forms prescribed by the law of England in force there at the time of making such devise, shall have the same force and effect as if made before two Notaries Public according to the laws of Lower Canada. (20 V. c. 45, s. 2.)

10. Provided always, that nothing in the two preceding sections of this chapter, shall affect any case pending on the said tenth day of June, one thousand eight hundred and fifty-seven, or any case in which there was then any actual and open possession under a title adverse to their provisions or those of the Act of Lower Canada, mentioned in the first section of this Act, but such cases shall be adjudged upon as if this Act had never been passed ; nor shall any thing in the said sections affect any case in which a judgment having authority of *chose jugée* has been given before the day last aforesaid. (20 V. c. 45, s. 3.)

11. The Laws which upon and since the day last aforesaid have applied to and governed and shall apply to and govern lands held in free and common soccage in Lower Canada, as well with regard to descent, inheritance, incumbrance, alienation, dower, and the rights of husbands and of married women, as with regard to all other incidents and matters whatsoever, shall be the same with those which apply to and govern lands held by the tenure of *franc aleu roturier*, in like manner, except only in so far as such Laws may have been expressly altered as regards lands held in free and common soccage, by the Act last mentioned, or any other Act of the Legislature of Lower Canada or of Canada ; and as regards the rights of married women and their representatives, this section shall apply to cases where the husband has died since the day last aforesaid, whatever be the date at which the marriage may have taken place ; but nothing herein contained shall prevent the effect of any marriage contract or settlement made either in the English or French form. (20 V. c. 45, s. 4)

12. The Laws which have governed lands held in Free and Common Soccage in Lower Canada, in matters other than alienation, descent and rights depending upon marriage, are hereby declared to have always been the same with those which governed lands held in *franc aleu roturier*, except in so far only as it may have been otherwise provided by any Act of the Legislature of Lower Canada, or of this Province ; but nothing in this section shall be construed as a declaration that such lands held in Free and Common Soccage have or have not at any time been governed by any other Law as regards alienation, descent or rights depending on marriage. (20 V. c. 45, s. 5.)