

Lower Canada, if desired.

where lands shall be hereafter granted within the said Province of Lower-Canada, and where the Grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations, with respect to the nature and consequences of such tenure of free and common soccage, as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the province.

Persons holding Lands in Upper Canada may have fresh Grants.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons holding any lands in the said Province of Upper-Canada, by virtue of any Certificate of Occupation, derived under the authority of the Governor and Council of the Province of Quebec, and having power and authority to alienate the same, shall at any time, from and after the commencement of this Act, surrender the same into the hands of his Majesty, his heirs or successors, by petition to the Governor or Lieutenant Governor, or person administering the Government of the said province, setting forth that he, she, or they is or are desirous of holding the same in free and common soccage, such Governor or Lieutenant Governor, or person administering the Government shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common soccage.

Such fresh Grants not to bar any right or title to the Lands.

XLV. Provided nevertheless, and be it further enacted by the authority aforesaid, That such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons, other than the person or persons surrendering the same, shall have been entitled, either in possession, remainder or reversion, or otherwise, at the time of such surrender; but that such surrender and grant shall be made subject to every such right, title and interest, and that every such right, title or interest, shall be as valid and effectual as if such surrender and grant had never been made.

18 Geo. III. Cap. 12. recited.

XLVI. And whereas by an Act passed in the Eighteenth Year of the Reign of his present Majesty, intituled, *An Act for removing all doubts and apprehensions concerning Taxation by the Parliament of Great Britain, in any of the Colonies, Provinces and Plantations in North America and the West Indies; and for repealing so much of an Act, made in the Seventh Year of the Reign of his present Majesty, as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America, or relates thereto*, it has been declared, "That the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's Colonies, Provinces, and Plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of Commerce, the net produce of such duties to be always paid and applied to and for the use of the Colony, Province or Plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective General Courts, or General Assemblies of such Colonies, Provinces, or Plantations, are ordinarily paid and applied." And whereas it is necessary, for the general benefit of the British Empire, that such power of regulation of Commerce should continue to be exercised by his Majesty, his heirs or successors, and the Parliament of Great Britain, subject nevertheless to the condition herein-before recited, with respect to the application of any duties which may be imposed for that purpose: Be it therefore enacted by the authority aforesaid,

This Act not to prevent the open.