

for the Government to consider the subject, with a view to its being submitted for legal decision by a proper tribunal.

I am of opinion that any judicial proceedings to be adopted for the removal of the encroachments complained of, whether confined to those made on the beach properly so called, or extended to those existing upon the reservation in question, can only be adopted in the name of the Crown, and not by the Montreal Trinity House, and still less by the Harbour Commissioners.

In order to form my opinion on the latter point, I have been obliged to examine the several statutes, as well those which have been repealed as those which are in force, concerning the respective powers of the Trinity House and the Harbour Commissioners. From these statutes, I have made copious extracts, accompanied with observations of my own, which I deem it my duty, in consequence of verbal instructions from the Commissioners, to send to them. Although they may appear rather long and tedious, yet they may prove very useful, first in showing the confusion which exists as to the nature and extent of the respective powers of the several parties concerned, and the conflict of authority which it may lead to, and secondly in aiding the person who may be charged with preparing a new measure with the view either of consolidating the laws relating to the subject, or of well defining the powers and authority of the parties above mentioned.

The necessity of clearly defining these powers must be apparent to any one who is obliged to read the statutes relating to the matter.

Before concluding, I beg to apologize for having delayed so long making my report.

I have the honor to be,

Sir,

Your most obt. Serv't,

L. H. LAFONTAINE,

*Advocate.*

J. GLASS, Esq.,

Secretary, &c., &c.