

of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or the master shall not truly answer the questions demanded of him, he shall forfeit the sum of 100*l*.; and by the 82d section of the General Regulation Act of 3 & 4 Will. 4, c. 52, ships taking no other goods than the personal baggage of passengers are to be deemed in ballast, and cleared as such.

That in the month of August last, we received a communication from the collector of this revenue, at St. John's, New Brunswick, stating that application had been made to him by certain parties, requesting to be informed whether there was any legal objection to the United States steam-vessel, "Huntress," being allowed to proceed up the River St. John's in ballast to the inland town of Fredericton (which place is distant 90 miles from the free port of St. John's) for the purpose of embarking passengers and their baggage at the former place.

That the collector being of opinion that he could not legally refuse to clear the "Huntress" for Fredericton, provided no goods should be laden on board the said vessel, he (the collector) deemed it proper to bring the subject under the consideration of the Lieutenant-governor of the province, who directed the question to be submitted for the consideration of the attorney and solicitor-general of New Brunswick, who gave it as their opinion that the "Huntress" could not legally be allowed to navigate the internal waters of that province. That upon the case being brought under our consideration, we were, in the first instance, disposed, as the question was not altogether free from legal difficulty, to submit the same for the opinion of Her Majesty's Advocate, but, under all the circumstances, we have deemed it the better course to bring the same under the consideration of your Lordships, having to observe that you were pleased, by Mr. James Stewart's letter of the 15th October 1831, in reply to our memorial of the 27th May preceding, recommending that Montreal in Canada should be constituted a port of entry for general purposes, to transmit to us a copy of a letter from Mr. Lack, signifying that the Lords of the Committee of Privy Council for Trade having had under consideration the expediency of constituting Montreal a port of entry for general purposes, he (Mr. Lack) had been commanded to draw your Lordships special attention to the discrimination intended to be made by the 35th section of the Act of 7 & 8 Geo. 4, c. 56, (the provisions of which have been re-enacted in the Act of 3 & 4 Will. 4, c. 59), between the qualified rights given by that section to Montreal, on account of its inland situation, and the full rights of free ports, such as are not given, except to ports situated near the sea, and at the first station up a river at which a port can be established, and beyond which foreign ships are not permitted to proceed; and consequently under the operation of the law adverted to in Mr. Lack's letter, no foreign ship is permitted to proceed up the River St. Lawrence beyond Quebec, and the trade of Montreal is confined to that carried on by British ships. Under these circumstances, and as Fredericton has never been constituted a port for any purpose, however limited, and as there is no officer of Customs stationed at that place for the purpose of either receiving the reports of masters of vessels arriving in ballast, or subsequently granting the necessary clearances in ballast, we are disposed to concur in the opinion of the law officers of New Brunswick that the collector would not be legally justified in granting a clearance for a foreign vessel to proceed in ballast for the purpose of enabling her to proceed up the River St. John's to Fredericton, which is situated in the interior of the province 90 miles distant from the free port of St. John's, which is situated on the sea at the entrance of the harbour bearing that name, and we have to request that we may be favoured with your Lordships early directions for the government of ourselves and our officers in New Brunswick upon the subject.

(Signed)

E. STEWART.
W. CUST.
H. RICHMOND.
H. LEGGE.

Custom-house, 22d October 1842.

(No. 930.)

May it please your Lordships,

Your Lordships having referred to us the annexed letter from Mr. Stephen, transmitting by desire of Lord Stanley a copy of a despatch from the Governor of Canada, enclosing a petition from the Board of Trade at Montreal, praying that that city may be declared a free port, and signifying the opinion of Lord Stanley, that, adverting to the political interests of the province, it would be desirable to grant to Montreal the same commercial privileges as are enjoyed by the ports of Quebec, Toronto, and Hamilton, unless there should exist some conclusive objections of a fiscal or commercial nature to the contrary; we report,

That we have very carefully considered the annexed papers, which would appear to involve the consideration of two important but distinct questions; viz.—

1st. As to constituting Montreal an unrestricted free port for the importation of goods by sea.

2d. As to constituting Montreal a free warehousing port for the warehousing of goods brought by land or inland navigation from ports or towns of the United States situated on the frontier or on the lakes Erie or Ontario.

(70.)

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With